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Report of the Committee on Relations with the Host Country

Letter dated 28 September 2006 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the communiqué by the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela protesting against the action taken by officials of the Immigration Service of the Government of the United States of America against the person of the citizen Minister for Foreign Affairs of the Bolivarian Republic of Venezuela, Mr. Nicolás Maduro Moros, on 23 September 2006 at John F. Kennedy International Airport (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 148.

(*Signed*) Francisco Javier **Arias Cárdenas**
Ambassador
Permanent Representative

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Annex to the letter dated 28 September 2006 from the Permane Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

Communiqué

The Ministry of Foreign Affairs of the Bolivarian Republic of Vene presents its compliments to the honourable Embassy of the United States of Am and on this occasion expresses its strongest protest against the action take officials of the Immigration Service of the Government of the United Stat America against the person of the citizen Minister for Foreign Affairs o Bolivarian Republic of Venezuela, Mr. Nicolás Maduro Moros on 23 Septe 2006 at John F. Kennedy International Airport in New York.

This act constitutes a flagrant violation of international law since the il deprivation of the freedom of the Foreign Minister breaches the provisio Article 105 of the Charter of the United Nations; article IV, section 11, of the Convention on the Privileges and Immunities of the United Nations; and articl section 11, of the 1947 Agreement between the United Nations and the United S of America regarding the Headquarters of the United Nations.

The Ministry of Foreign Affairs of the Bolivarian Republic of Vene categorically demands from the Government of the United States of Amer public apology at the international level as well as the adoption of appro measures in view of the unfriendly, condemnable and unacceptable act to whic highest authority of the Ministry of Foreign Affairs of the Bolivarian Republ Venezuela was subjected.

The Ministry of Foreign Affairs of the Bolivarian Republic of Vene thanks the honourable Embassy of the United States of America for transmittin foregoing statement to its Government's competent authorities and providi appropriate response and takes this opportunity to convey to it the ren assurances of its highest consideration.

United Nations A/61/475

General Assembly

Distr.: General
28 September 2006
English
Original: French

Sixty-first session
Agenda item 67 (c)
Promotion and protection of human rights: Human rights situations and reports of special rapporteurs and representatives

Progress report by the independent expert on the situation of human rights in the Democratic Republic of the Congo

Note by the Secretariat*

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the independent expert on the situation of human rights in the Democratic Republic of the Congo, Mr. Titinga Frédéric Pacéré, submitted pursuant to General Assembly resolution 60/170.

* This report is being transmitted late in order to include important information concerning the elections that took place in the country on 30 July 2006, and to report on their consequences up to 30 August 2006.

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Summary

At its sixtieth session the General Assembly, by its resolution 60/170, decided to continue to examine the situation of human rights in the Democratic Republic of the Congo and requested the independent expert on the situation of human rights in the Democratic Republic of the Congo to report to the General Assembly at its sixty-first session. Like the special procedures and thematic mandates of the Commission on Human Rights, the mandate of the independent expert on the situation of human rights in the Democratic Republic of the Congo was extended for one year by decision 1/102 of the Human Rights Council.

In 2005, the independent expert visited the Democratic Republic of the Congo from 16 to 27 August. He had intended to pay a further visit to the country in late 2005, but the schedules of the relevant authorities — who were all immersed in the process leading up to the constitutional referendum held on 18 and 19 December 2005 and its consequences — eventually prevented him from travelling. Nevertheless, the information received by the independent expert during 2006 does enable him to make relevant comments on the situation of human rights in the Democratic Republic of the Congo.

The human rights situation remains worrying, particularly in the eastern part of the country and in northern Katanga, where national and foreign militias, as well as the Mai-Mai and the armed forces of the Democratic Republic of the Congo, are committing atrocities and other massive human rights violations with impunity. Massacres of civilians, looting, mass rapes of women and girls and summary executions, among other things, are posing a serious challenge to the Transitional Government's efforts to improve the situation.

The political situation at the end of 2005 and in the first half of 2006 was mainly dominated by the preparations for and holding of the presidential and legislative elections, and the accompanying electoral fever. However, violations occurred — in some cases extremely serious ones — in virtually all spheres of human rights.

The precarious situation of unpaid or underpaid State employees and civil servants, the climate of impunity and the threats, harassment and assassinations suffered by journalists and human rights defenders are causing unrest and jeopardizing the return to peace.

The weakness of the judiciary and its lack of independence vis-à-vis the executive branch, which also controls judicial decisions, are also regrettable. Added to this is the problem of lack of security, the situation of women and children, the trafficking and illegal exploitation of natural resources and other violations of fundamental rights.

In such a context, the independent expert recommends:

– That there should be greater dialogue between political and social actors;

– That the process of disarming militia such as the Forces démocratiques de libération du Rwanda, the Interahamwe, the "Rastas" and the Mai-Mai should be accelerated;

– That the forces of law and order should be ordered to stop suppressing rallies and other public demonstrations, and the close protection officers of the

ex-belligerents should be ordered not to take the place of the forces of law and order;

That public freedoms should be respected in all circumstances, and mechanisms set up to combat impunity;

That all necessary measures should be adopted to ensure respect for the human person, in particular women and children, and that all trafficking and exploitation of all kinds should be stopped, especially sexual violence used as a weapon of war;

That the Government should strive to promote the independence of judges and magistrates and to provide the judicial system with a budget that will guarantee its independence.

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I. Introduction

1. By its resolution 2004/84 of 21 April 2004, the Commission on Human Rights decided to appoint an independent expert to provide assistance to the Government of the Democratic Republic of the Congo in the field of human rights in the Democratic Republic of the Congo, to study the evolving situation of human rights and to verify that obligations in that field were being fulfilled.

2. On 21 April 2005, the independent expert presented his preliminary report to the Commission on Human Rights at its sixty-first session (E/CN.4/2005/120). He then presented a report to the General Assembly at its sixtieth session in October 2005 (A/60/395) and prepared a report for the Commission on Human Rights at its sixty-second session (E/CN.4/2006/113), which was to be examined by the Human Rights Council.

3. At its sixtieth session, the General Assembly, by its resolution 60/170, decided to continue to examine the situation of human rights in the Democratic Republic of the Congo and requested the independent expert on the situation of human rights in the Democratic Republic of the Congo to report to it at its sixty-first session.

4. This report is based on information transmitted regularly to the independent expert by the field office of the Office of the High Commissioner for Human Rights (OHCHR) in the Democratic Republic of the Congo, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and representatives of institutions, non-governmental organizations (NGOs), political parties and associations. The report reflects information received up to 30 August 2006.

5. The varied information received revealed that, while attention must be focused on the electoral process under way, lack of security, impunity and serious human rights violations remain cause for concern.

6. The independent expert has decided to focus in this report on the following issues:

(a) The electoral process;

(b) Lack of security;

(c) Massive violations of human rights, including sexual violence;

(d) Impunity and justice.

7. The independent expert also carried out other activities related to his mandate: he expressed opinions to the Government and replied to human rights communications dealing with such issues as lack of security, the disarming and reintegration of militias, justice and the fight against impunity.

8. On 11 January 2006, as part of the component of his mandate relating to technical and legal assistance, the independent expert sent a memorandum to the Government of the Democratic Republic of the Congo setting out his analyses and recommendations concerning the situation of human rights in the country. The memorandum focused on 21 points, including the massacres and human rights violations perpetrated in May 2005 in South Kivu, the suppression of the demonstrations of 30 June 2005, cases of murder and assassination, illegal exploitation of resources of the Democratic Republic of the Congo, the situation of

children, lack of security, elections, population displacement, the management of public demonstrations, the administration of justice, children associated with the armed forces and armed groups, intercommunal strife, and international justice.

9. In the area of human rights violations, sexual violence is a scourge of unimaginable horror. For example, during the first half of 2006, a four-month-old baby girl and a woman over the age of 70 were raped. Moreover, most of the cases reported were gang rapes. On 10 April 2006, as part of the component of his mandate relating to technical assistance, the independent expert sent a memorandum to the Government setting out analyses that confirmed the existence, extent and seriousness of the crimes and putting forward recommendations aimed at curbing these grave human rights violations.

10. On 24 April 2006, also as part of the component of his mandate relating to technical assistance, the independent expert sent a memorandum to the Government containing an analysis of the endemic lack of security throughout the country and recommendations on how to assert the sovereignty of the State and establish peace.

11. Following the announcement of the results of the first round of the presidential elections held on 30 July 2006, the independent expert was informed of a sudden and serious deterioration in the social climate between 20 and 22 August, with clashes, involving heavy weaponry, between the close protection officers of the two winners of the first round of the presidential elections — President Joseph Kabila and his Vice-President, Jean-Pierre Bemba — both of whom will again be contenders in the second round, scheduled for 29 October 2006. In this regard, on 25 August 2006, the independent expert sent them both a letter setting out his analysis of the situation and his recommendations.

II. Status of the transition

A. Institutional, political, social and cultural developments

12. During the period under consideration, the main institutional development was the progress made by the Government and Parliament in implementing the road map of the Global and All-Inclusive Agreement on the Transition. Thus, on 18 February 2006, President Joseph Kabila promulgated the new Constitution and unveiled the new flag of the Democratic Republic of the Congo, two key elements in the expression of national and international sovereignty.

13. On 3 April 2006, the President of the National Assembly, Olivier Kamitatu, submitted his resignation to the Head of State, following the ruling issued by the Supreme Court of Justice in December at the request of President Kabila. According to that ruling, deputies who had left their original political parties would have to give up their seats. Consequently, on 5 April 2006, the candidacy of Thomas Luhaka, National Secretary of the Mouvement pour la libération du Congo (MLC), was submitted to the Bureau of the National Assembly as its new President.

14. In a communiqué issued on 17 July 2006, the International Committee for Support to the Transition (ICST) stressed the need for the Armed Forces of the Democratic Republic of the Congo (FARDC) and the Republican Guard, formerly the Special Presidential Security Group (GSSP), to be confined to barracks before,

during and immediately after the voting and stressed the need to promote a climate of peace and quiet during the elections.

B. Disarmament and reintegration

15. Disarmament and reintegration remain a priority of government action in the Democratic Republic of the Congo, the national security forces, with the support of MONUC and several partners, have achieved welcome results, despite some slippage.

16. More than 15,000 militiamen have been disarmed as part of the demobilization programme and the number of recalcitrant combatants in the various militias in Ituri district today is estimated at 2,000 or 3,000.

17. According to various sources, 2,997 FARDC members — including 22 women and 13 children — were disarmed between March and April 2006.

18. Various sources also estimate that 1,350 ex-combatants were demobilized and reintegrated in Uvira and Fizi, in South Kivu, after a demobilization operation was launched in Kiringye.

19. On 20 July 2006, the MONUC military spokesperson indicated that in Ituri almost 4,000 Congolese militiamen had surrendered their weapons since the end of June, bringing the number of weapons surrendered by all Ituri groups combined to 2,141.

20. Between 14 and 19 August, 85 militiamen operating in Ituri laid down their weapons as part of the national programme for disarmament, demobilization and reintegration (DDR).

III. The electoral process

A. Origins and organization

21. The final step in building peace and establishing the rule of law in the Democratic Republic of the Congo was to hold the presidential and legislative elections that had been envisaged in the Global and All-Inclusive Agreement signed in Pretoria in 2002 and strongly recommended by the international community.

22. These elections, the first phase of which took place on 30 July 2006, are a milestone in the history of the Democratic Republic of the Congo. In total, 17,931,238 of the country's 25,420,199 registered voters participated in these elections, which were the country's first truly free, democratic and transparent elections in 40 years.

23. In addition to the 33 candidates in the presidential elections, there were 9,707 candidates in the legislative elections for the 500 seats in the future National Assembly. For these elections, 49,746 polling stations were set up throughout the country, of which 8,518 were in Kinshasa. Moreover, 35,000 national observers, 1,700 international observers — mandated by such international organizations as the Southern African Development Community (SADC), the International Organization of la Francophonie (OIF), the Electoral Institute of Southern Africa (EISA) and the

European Union (EU) and by such countries as the United States and Japan — and 78 African Union observers were deployed throughout the country. Such a level of electoral assistance was unprecedented in the subregion.

24. In this context, certain aspects of the background to this process are noteworthy. On 30 April 2006, the Independent Electoral Commission (CEI) published the electoral timetable, according to which the first round of the presidential and legislative elections would take place on 30 July 2006 and the electoral campaign would begin at midnight on 29 June 2006 and end at midnight on 28 July 2006.

25. The CEI and the Supreme Court of Justice selected, from the 73 candidacies submitted, 33 candidates, including four women, to run in the presidential election and 9,707 candidates for the 500 seats in parliament to be filled by the legislative elections.

26. The electoral process was established by Act No. 06/006 of 9 March 2006 on the organization of presidential, legislative, provincial, urban, municipal and local elections, in particular articles 28 to 36, published in the Official Gazette of the Democratic Republic of the Congo dated 10 March 2006.[1]

B. Casting of votes

27. On 20 August 2006, the CEI announced the provisional results of the first round of the presidential election of 30 July on national television. President Joseph Kabila was in first position, with 7,590,485 votes, or 44.81 per cent of the total votes cast, followed by Vice-President Jean-Pierre Bemba, with 3,392,592 votes, or 20.03 per cent of the total, and the leader of the Parti lumumbiste unifié, Antoine Gizenga, with 2,211,290 votes, or 13.06 per cent of the total.

28. The two leading candidates, Joseph Kabila and Jean-Pierre Bemba, will again be contenders in the second round of the presidential election, scheduled for 29 October 2006, which will be held at the same time as the provincial elections.

29. According to the CEI, of the 25,420,199 registered voters, 17,931,238 took part in the election, representing a participation rate of 70.54 per cent. The total number of votes cast was 16,937,534; there were 870,758 invalid ballots and 122,946 blank ballots.

30. The final results were announced by the Supreme Court of Justice on 15 September 2006.

C. Incidents and irregularities in the vote

31. A variety of incidents and irregularities were reported to the independent expert, including the torching and destruction of 11 polling stations in the country (seven in Mweka (Kasaï Occidental) and 4 in Mwene-Ditu (Kasaï Oriental)) and the burning of 34 electoral kits.

32. Six CEI officials, caught red-handed falsifying the records, were arrested and transferred to the High Court of Kinshasa/Gombe on 10 August 2006.

[1] See http://droit.francophonie.org/doc/html/cd/loi/leg/fr/2006/2006dfcdlegfr2.html.

33. It was also reported that fraudulent or even impossible scores had been posted. For example, a polling station in Katanga credited one candidate with 110 per cent of the votes. In a polling station in Isangi (Orientale Province), the public notice board at the local vote-counting centre showed 183,164 voters, when only 155,017 persons were registered to vote there.

34. In addition, the discovery of 5 million extra ballot papers, ordered unbeknown to the candidates, contributed to a serious feeling of uneasiness.

35. Many domestic observers are very worried about the country's future, particularly in view of the irregularities recorded during the elections and the grave human rights violations — lootings, killings, arbitrary arrests, cruel, inhuman and degrading treatment — perpetrated on that occasion.

36. The National Human Rights Observatory (ONDH), in a report dated 12 August 2006, entitled "Analyse, avis et considérations de l'Observatoire national des droits de l'homme portant sur l'exercice des libertés publiques pendant la campagne pour les élections présidentielles et législatives en République démocratique du Congo" (Analysis, opinion and considerations of the National Human Rights Observatory on the exercise of public freedoms during the campaign for the presidential and legislative elections in the Democratic Republic of the Congo) (document 012/ONDH/2006)[2] denounced "a day of great commotion culminating in bloody demonstrations and systematic looting on the occasion of the return to Kinshasa of a candidate for the highest office, Vice-President Jean-Pierre Bemba, and the election rally that followed in the Tata Raphaël stadium of Kalamu Commune". On that day, 27 July 2006, the headquarters of the High Media Authority (HAM) and of ONDH, the offices of the General Secretariat for Youth and Sport, the school of Ms. Joëlle Yowa, the church of the Army of the Eternal and the headquarters of the orchestra of the musician Werrason were ransacked. The report also tells of the death in Matadi, on the same day, of 12 followers of Bundu-Kia-Kongo (a political and religious movement), a soldier and four national police officers.

D. Comments on the ballot

37. The elections on 30 July 2006 were the first in 40 years of autocratic rule, without any real consultation of the people through free, democratic and transparent elections by direct universal suffrage.

38. For the observers, especially those from outside the Congolese political arena, it was therefore already "a small miracle", in the words of the Deputy Special Representative of the Secretary-General for the Democratic Republic of the Congo, Ross Mountain, that a country the size of Western Europe in a state of advanced partition could, to the surprise of everyone, rise to this major challenge by voting in a calm, disciplined and untroubled fashion, throughout the national territory, notwithstanding a few isolated cases of violence.

39. The head of the African observer mission, Théophile Nata, thus emphasized that the irregularities and shortcomings observed in the 30 July elections were not such as to call their credibility into question.

[2] The report is available on the Internet at http://www.congoforum.be/upldocs/ATT00011.pdf.

40. Finland, currently holding the presidency of the European Union, expressed its satisfaction with the conduct of the elections, through its Minister of Defence, Seppo Kääriäinen.

41. The MONUC Human Rights Division (HRD), in a press briefing on 2 August 2006, said it was satisfied with the conduct of the ballot and with the fact that "apart from a few isolated incidents, citizens of the Congo were able to go to the polls in a spirit of peace, calm, respect and tolerance".[3]

E. Sad awakenings

42. Following the announcement of the results of the elections of 30 July, a group of 15 presidential candidates, in a statement dated 4 August 2006 and issued on 11 August, complained about alleged "flagrant irregularities and massive fraud" that had marred the poll. They contest the election results and accuse national institutions and the international community of complicity.

43. The next few days, particularly 20, 22 and 23 August 2006, are among the bleakest in the history of the Democratic Republic of the Congo and were marked by armed clashes between the supporters of the two winners of the first round, who had thereby qualified for the second round and who were none other than the outgoing president, Joseph Kabila, and his Vice-President and head of the Economic and Financial Commission (ECOFIN), Jean-Pierre Bemba.

44. Following these clashes, the Minister of the Interior, Théophile Mbemba, stated that, of the 66 reported casualties, 43 had been wounded and 23 killed, including 12 police officers, seven civilians and four soldiers who were not part of Kabila's or Bemba's forces, neither side having released a tally of its casualties.[4]

45. A woman aged about 20 was killed on 22 August 2006 by a shot from a rifle fired without warning by the Republican Guard in Kimbanseké commune; in Bandalungwa commune, a police officer was reported to have suffered the necklace torture and been burned alive by an angry crowd.

46. The entire international and national community became involved in a series of mediation measures to defuse this climate of violence and hatred and thus save the electoral process on which the national and international community had pinned so much hope.

47. On 21 August, the FARDC command issued instructions forbidding any soldier to carry weapons except for official reasons, duly attested by a mission order.

48. On 22 August 2006, in a press statement released by the President of the Security Council, Nana Effah-Apenteng (Ghana), the members of the Council appealed to the political leaders to respect the electoral calendar established by the Independent Electoral Commission. They expressed their serious concern about the violent clashes between armed elements that had occurred in Kinshasa on 20 and 21 August 2006 and called on the Congolese leadership not to allow the progress achieved by the people of the Democratic Republic of the Congo to be jeopardized

[3] Available on the MONUC site (http://www.monuc.org/News.aspx?newsID=12047).

[4] See the report published on the site of the Office for the Coordination of Humanitarian Affairs (http://www.irinnews.org/report.asp?ReportID=55280&SelectRegion=Great_Lakes&SelectCountry=DRC).

at that stage. To that end, they expressed the hope that the proposed meeting between President Joseph Kabila and Vice-President Jean-Pierre Bemba would be held as soon as possible in order to defuse the current political tension.[5] In a statement issued on 23 August 2006, the Secretary-General of the United Nations underlined the responsibility of President Joseph Kabila and Vice-President Jean-Pierre Bemba to resolve the situation through dialogue and peaceful means. He urged them to meet as quickly as possible to ease tensions following the announcement of the results of the first round.[6]

49. Also on 22 August, the President-in-office of the African Union, the President of the Republic of the Congo, Denis Sassou Nguesso, condemned all the acts of violence reported since the first round of the elections and called on all the parties to put an end to the violence.

50. On 23 August, the President of the National Episcopal Conference of the Congo (CENGO) and Archbishop of Kisangani, Monsignor Laurent Pasinya, urged President Kabila and Vice-President Bemba to favour dialogue in the higher interests of the nation. On 28 August 2006, the President of the Truth and Reconciliation Commission urged the two protagonists to engage in dialogue.

F. On the need to adopt immediate measures

51. The current situation highlights the fragility of peace in the Democratic Republic of the Congo. Certain types of behaviour are to be singled out and certain immediate recommendations need to be adopted.

52. Throughout the campaign, the media engaged in full-blown attacks against political opponents and protagonists, made xenophobic and discriminatory remarks and incited ethnic hatred. The rules of deontology and ethics should therefore be strictly applied, with a call for greater professionalism and moderation. It is to be feared that the second round may be a disaster if the press is not disciplined and does not comply with the laws and regulations governing freedom of the press and freedom of opinion. The media should consequently publicize the programmes for society and government of the two remaining presidential contenders.

53. The FARDC and the national police force must remain strictly neutral and apolitical in the present context, where they are all too frequently called upon to intervene and to ensure law and order.

54. It is more important than ever that former military factions which have not disarmed take stock of the situation and of the need to preserve the social peace by not allowing themselves to be used in forms of defence or self-defence that may undermine law and order or prompt a return to the infernal cycle of violence in the country.

55. As for the security forces of the various parties, it is vital that the troops of the two warring camps and all other troops of this kind remain confined to barracks until the end of the electoral process.

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[5] Press release issued under reference number SC/8814/AFR/1421, available at http://www.un.org/News/Press/docs/2006/sc8814.doc.htm.

[6] Press release issued under reference number SG/SM/10607/AFR/1423, available at http://www.un.org/News/Press/docs/2006/sgsm10607.doc.htm.

56. After the meetings held between ICST and, on the one hand, President Joseph Kabila and, on the other hand, Vice-President Bemba, following the events of 20, 21 and 22 August, a working group was set up to normalize the situation. The group included the Minister of Defence, the Chief of Staff of the FARDC, the Inspector General of the Congolese National Police Force, the Commander of the Republican Guard, the military adviser to the President of the Republic, the close protection officers of Vice-President Bemba, officers of the peacekeeping force of the European Union (EUFOR RD Congo), officers of the European Union Police Mission in Kinshasa with its Integrated Police Unit (EUPOL KINSHASA) and officers of MONUC. This working group and the two commissions responsible for monitoring observance of the rules of good conduct between the two camps and for investigating the events in Kinshasa of 20 and 22 August 2006 must be able to pursue their work.

57. Lastly, the urgent appeals from the Secretary-General of the United Nations, Kofi Annan, the President-in-office of the African Union and President of the Republic of the Congo, Denis Sassou Nguesso, the Special Representative of the Secretary-General for the Democratic Republic of the Congo, William Lacy Swing, the Chairman of ICST, the Special Envoy of the European Union for the African Great Lakes Regions, Aldo Ajello, and a sizeable number of political and social leaders must rapidly lead to a meeting between President Joseph Kabila and Vice-President Jean-Pierre Bemba with a view to defusing the political atmosphere and restoring trust and peace so that the electoral campaign and the second round of elections can proceed peacefully.

G. Lessons to be learned from the ballot

58. The results of the first round showed the existence of two geopolitical trends in Congolese public opinion. According to some analyses, this divide was already evident in the continuous and increasingly violent polemics in which these two political camps had been engaging for a very long time and which were denounced by the CEI and the High Media Authority in a joint press communiqué. If the nation is not to become split along geographical lines, it is imperative that this trend be halted before it becomes firmly entrenched.

59. In point of fact, however, it is realistically quite conceivable that the altercations between two of the candidates who are expected to do best were fortuitous and quite unconnected with the region to which they belong. The independent expert is of the opinion that the Congolese have put tribalism and regionalism behind them: throughout the country, they voted for public figures who were not from their area. For example, in Bas-Congo and Bandundu, the candidates Kabila, Bemba, Kashala and Pay Pay vied for votes with Gisenga and Mboso; in Katanga, Kashala, Bemba and Pay Pay snatched votes from Kabila and Lunda-Bululu, while in the two provinces of Kasaï the candidates Bemba, Ruberwa and Kabila held their own against Kashala, Munkamba, Lumumba and Nzuzi Wa Mbombo.

IV. Status and massive violations of human rights

A. Humanitarian situation

60. Under the threat of clashes and various kinds of aggression, many people who have been forced to move and go into exile are struggling to survive. In the Katanga region, military operations launched against the Mai-Mai militiamen since 11 November 2005 have caused some 120,000 people to flee. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the most recent waves, comprising 49,000 people, are living in difficult conditions.[7]

61. At the beginning of February 2006, Médecins Sans Frontières announced that there was a serious humanitarian crisis in Katanga, where at least 234,960 displaced persons, who had been living in disastrous conditions for several months, had so far received little assistance. The village of Dubie, which normally had 10,000 residents, had taken in 18,000 displaced persons. The non-governmental organization has also counted 35,000 displaced persons in the Upembe area, 9,000 in Pweto and Kabalo (where, however, there are no camps) and 21,000 in the Mitwaba area.

62. During a visit to the Democratic Republic of the Congo at the beginning of March 2006, the United Nations humanitarian troika, consisting of the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF), appealed to the international community to increase humanitarian assistance to the Democratic Republic of the Congo, where there are now more than 1.6 million internally displaced persons, with 410,000 refugees in neighbouring countries. A note from UNHCHR of 21 August 2006 indicated that, of the US$ 668 million requested of the international community since January 2006 to save lives in jeopardy in the Democratic Republic of the Congo, only US$ 235 million had been collected, which was not enough to enable humanitarian actors, including OCHA, to supply the help sorely needed by almost 10 million Congolese living in truly catastrophic circumstances.

B. Lack of security

63. Like all the years since the outbreak of war in the Democratic Republic of the Congo, 2006 began and has unfolded against a backdrop of violence and criminal acts producing palpable insecurity throughout the country. Several cases have come to the attention of the independent expert through the press and a variety of other sources. At the beginning of 2006, eight Blue Helmets from Guatemala were killed in an ambush in Garamba National Park (in the Haut-Uélé district) in the north-east of the Democratic Republic of the Congo. According to the MONUC communiqué, five other Blue Helmets from Guatemala were wounded in the attack.[8]

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[7] See the report dated 6 January 2006 entitled "DRC: Tens of thousands of IDPs flee from the fighting in Katanga" available at: http://www.irinnews.org/report.asp?ReportID=50970&SelectRegion=Great_Lakes&SelectCountry=DRC.

[8] See the MONUC press communiqué dated 23 January 2006 (http://www.monuc.org/News.aspx?newsID=9719).

64. Médecins Sans Frontières has also reported attacks by Mai-Mai militiamen on the villages of Kibondo and Kyubo, situated 160 kilometres south of Mitwaba, on 16 January 2006.

65. From the point of view of security, the Kivus are still a death zone. In the night of 18/19 January 2006, armed men in military uniform shot Professor Serubungo Senkoko Félicien at his home on the Avenue du 30 juin, in the Himbi II district of Goma. Also in Goma, Pascal Wimana, a butcher working at the Kehembe slaughterhouse in the Birere district, died from stab wounds inflicted on 3 January 2006 by unknown persons, three of whom have since been identified as Sefu Kinyata, Abdou and Amani. In the same town, it has been reported that Bizimungu Bazirane was shot dead at his home by a man in uniform. On 7 January 2006, a man and his son were killed and thrown into Lake Kivu after being reported missing from their home five days earlier.

66. On 30 January 2006, violent fighting broke out between regular army soldiers and a breakaway group from the 83rd brigade of the FARDC in the localities of Rwindi and Kibrizi in the east of the country. These clashes were followed by looting and vandalism directed against the population and the interruption of radio and television broadcasts from "La Colombe" after the station had been ransacked and its staff had been threatened by men in uniform.

67. In resolution 1616 (2005) of 29 July 2005, the Security Council requested the Secretary-General to re-establish within thirty days and for a period expiring on 31 January 2006 the Group of Experts responsible for closely monitoring compliance with the arms embargo against the Democratic Republic of the Congo imposed by resolution 1493 (2004) and expanded by resolution 1596 (2005).

68. In the night of 10/11 February 2006, Rwandan Hutu rebels knifed to death four persons in Nyamarheg, in the Walungu area of South Kivu and escaped.

69. At about 10 p.m. on 23 February 2006, a member the Integrated Police Unit was shot in Kinshasa in front of his wife by persons in civilian clothes.

70. In mid-March 2006, a group of Mai-Mai fighters led by General Gédéon resurfaced in northern Katanga and marched on the locality of Mpiana Mwanga 90 kilometres from Manono. This group of some 100 attackers seized Mongo, Lubimba, Kabala, Lenge and Kalwala and then looted and set fire to them.

71. At the beginning of March 2006, heavy clashes occurred in Punia between the FARDC and Simba fighters from Mungele, apparently in order to gain control of diamond production in the quarries at Ombandjo.

72. Also at the beginning of March 2006, reports were received that followers of General Laurent Nkunda had again taken up arms and were attacking travellers on the road between Sake and Kichanga in the Masisi area and that the dissident general was in Goma.

73. According to a report of 17 March 2006, Louise Kipupa and Barambesha Augustin, employed by the Union des Banques Congolaises (UBC), were murdered by five men in uniform on 8 March 2006. In fact a week never passes without a report of a murder in the town of Goma and the surrounding area.

74. Six heavily armed men are said to have murdered the female assistant of Governor Eugène Serufuli during the night of 8 March 2006 in the Himbi district of Goma.

75. On 19 April 2006, seven skulls and some human bones were discovered in a communal grave at Tokolote in the commune of Mikilenge. Sources close to the victims denounced armed gangs scouring the region.

76. In the eastern part of the country, 15 persons, including six Rwandan Hutu rebels, eight civilians and one soldier from the Congolese army were killed in two attacks on 1 and 2 May 2006 in North Kivu.

77. On 3 May 2006, a group of Mai-Mai combatants known by the name "Bulango" looted and burned the houses of the population.

78. During the night of 13/14 May 2006, Michel Innocent Mpinga Tshibashu, President of ONDH and also President of the Bar Association, was the victim of an armed attack at his home. The attackers were fought off by the private security guards hired to protect his home. This attack demonstrates that the criminals know no limits and have no respect for authority figures. Judicial officials and human rights defenders need to be protected by the security forces. The independent expert regrets to report that the Government of the Democratic Republic of the Congo has not undertaken any investigation following this attack.

79. On 20 and 21 May 2006 in Ituri, the FARDC mounted an offensive which resulted in the deaths of 32 militiamen and five soldiers.

80. An Air Force captain by the name of Sumaili, a helicopter pilot, was killed in cold blood by armed men during the night of 23/24 May 2006 in Kinshasa.

81. On 27 May 2006 on the road from Kasengeri to Goma, a bus driver was murdered by armed men.

82. In early June 2006, a child was killed in a house which was burned by 11 Rwandan Hutus in Kanyola, south-west of Bukavu.

83. On the night of 19/20 June 2006 in Muganga, in North Kivu, uniformed men murdered Aruta Baruta at his home.

84. On 25 June 2006, two demobilized soldiers were killed by the 81st brigade of the FARDC in Masisi.

85. On the night of 7/8 July 2006, three armed men murdered the journalist Louis Bapuwa Mwamba, formerly of the Zairian press agency, in the Malandi district of Kinshasa. According to his neighbours, the killers made it clear that they intended to kill him, although the victim had offered them money to spare his life; they took his money and killed him in cold blood before fleeing.

86. A note dated 17 July 2006 from the OHCHR field office in the Democratic Republic of the Congo reported that the militia chief Peter Karim of the Front nationaliste et intégrationniste had agreed to negotiate with the Government following a meeting held in Doye, 60 kilometres north of Bunia, under the auspices of MONUC.

87. On 18 July 2006, a policeman was burned alive by demonstrators during a march organized in Kinshasa by the Union pour la démocratie et le progrès social (UDPS) and its allies.

88. Lack of security remains one of the gravest problems in the Democratic Republic of the Congo, and it appears that increased support and more sustained technical assistance will be needed from the international community to enable the security forces, the police and the armed forces to respond effectively to the major challenges still to be addressed in this area.

C. False arrest, illegal detention, torture, disappearance

89. False arrest, illegal detention and torture are frequent occurrences in the Democratic Republic of the Congo, especially in the eastern zones where the security situation is particularly dire.

90. The Committee of Human Rights Observers (COHDO), an NGO based in Kinshasa, issued a press release citing many cases of false arrest without a warrant and illegal detention in North Kivu; prolonged detention, lasting months or years, without the detainees ever being brought before a judge; deplorable prison conditions, marked by overcrowding, unsanitary conditions, lack of light and ventilation in the cells, and denial of visiting rights and access to medical care.[9]

91. A note dated 9 March 2006 from the OHCHR field office in the Democratic Republic of the Congo reported that on 27 February 2006, following clashes between the FARDC and the militiamen in the village of Tchey, near Bunia, more than 8,000 people, mostly women and children, were being held hostage by the militiamen, who were using them as a human shield.

92. In a note dated 14 March 2006, the MONUC Human Rights Division at Beni in North Kivu reported numerous cases of false arrest, extortion and cruel, inhuman and degrading treatment on the part of 200 agents of the Detection of Unpatriotic Activities Police (DEMIAP), based in Oicha, 27 kilometres from Beni.

93. COHDO/North Kivu, in a note dated 7 March 2006, reported that eight people were beaten by soldiers of the 5th brigade in Burmaba in Rutshuru territory; the victims were attending a wake for Ms. Mapenze Kasigwa, who was killed by an unknown gunman in a drive-by shooting.

94. The NGO Voix des Sans Voix (VSV), in press release No. 38/RDC/VSV/CD/2006, reported that the publisher of the newspaper *Eclaireur africain* had been arrested and taken to the Republican Guard station. He was handcuffed, his feet were bound and he was tortured.

95. The report of the OHCHR field office in the Democratic Republic of the Congo dated 3 March 2006 indicated that more than 1,700 victims of various forms of violence in the community of Wakabangu II in the Pangi valley had been left to fend for themselves with no assistance. The victims included 1,276 women who had been subjected to sexual violence and 422 men who had been subjected to torture, including genital torture. All these cases require comprehensive care, which is not available.

[9] See press release No. 24/CODHO/KN/06Z, issued on 21 March 2006 (http://congomania.afrikblog.com/archives/2006/03/22/1563305.html).

D. Sexual violence

96. Sexual violence is widespread in the Democratic Republic of the Congo. It is a serious problem, but one that is rendered trivial by impunity and war. Attacks of all types are accompanied by rapes, which are regarded as war trophies. These signs of victory result in trauma and humiliation for the woman, her family and the country as a whole. The justice system is powerless to quell this phenomenon, despite several landmark rulings.

97. Numerous cases of sexual violence have been reported during the first half of 2006. On 26 January, in Lunyenya, south of Bukavu, a woman over the age of 70 was abducted and then raped by two FARDC members, according to a note from the OHCHR field office dated 30 January 2006.

98. In North Kivu, MONUC reports that five FARDC members raped a woman in the village of Bamaka during the month of January 2006.

99. On 10 February 2006, a 13-year-old girl was raped by a member of the Republican Guard at Camp Tshatshi in Kinshasa.

100. Several other cases of rape have been reported: on 20 February 2006, a woman was raped in Kananga, in Kasaï Occidental, by seven members of the FARDC; on 8 February 2006, a woman was raped by a FARDC member in the village of Makumbwe; on 26 January 2006, a woman was abducted and raped by four FARDC members in the village of Kyavisale, south of Butembo; on 27 February 2006, a woman was raped by two FARDC members in the village of Mwalika after they broke into and looted her home; on 2 February 2006, a man was raped and then killed by armed men.

101. MONUC reports that two girls in the village of Kirende, in Kalemie (Katanga Province), were abducted on 22 February 2006 and then raped over three days.

102. MONUC/Bukavu reports that Rwandan Hutus abducted and raped 10 women on the Kamituga-Muenga road, south-west of Bukavu in South Kivu, on 28 February 2006.

103. A note dated 9 March 2006 from the OHCHR field office in the Democratic Republic of the Congo reports the rape of two women in the village of Kalwala (Katanga Province) by a group of 30 Mai-Mai combatants under the command of Colonel Kasfombowe of the Gédéon group.

104. In Burinya, South Kivu, 2,800 women and girls were reported to have been raped by FARDC soldiers with the full knowledge of the commanders of the units based in the region. Of these women, 630 were infected with sexually transmitted diseases or opportunistic infections, and 80 were later found to be HIV-positive.

105. The MONUC Human Rights Division report for the week of 27 February to 3 March 2006 indicates that on 20 February 2006 seven FARDC members raped a woman in Kananga, in Western Kasaï, after breaking into her home and tying up her husband. Another woman was abducted and raped by four FARDC members on 26 January in the village of Kyavisale in North Kivu.

106. A 10-year-old girl and a woman were raped on 1 March by members of the 110th brigade of the FARDC, under the command of Lieutenant Masola, based in Luvungi in South Kivu.

107. On 12 March 2006 in the Birere district of Goma, North Kivu, a girl accused of witchcraft was tortured by the inhabitants and then raped by soldiers.

108. Two women and a 15-year-old girl were raped by 30 soldiers on 10 March in Kpandroma, Ituri Province. The same source indicates that, since the beginning of the year, more than 50 women have been raped in the village of Mabingu in South Kivu.

109. On 7 April in the Kingabwa district of Kinshasa, a girl aged 18 was raped by six men.

110. On Saturday, 22 April, a four-month-old baby girl was raped by a young man aged 21 in Équateur Province; the perpetrator has been arrested and is in police custody.

111. In late April, an 18-year-old girl in the Kingabwa district of Kinshasa was raped and drugged by a group of five individuals.

112. On 27 April 2006 in Kanyol, a woman lodged a complaint, indicating that she had been raped by 11 Rwandans.

113. On 3 June, two soldiers were convicted by the Kananga garrison court for the rape of two 13-year-old girls; one was sentenced to 18 years in prison and the other to 17 years.

114. As regards legislation, on 22 June 2006, the National Assembly adopted a law criminalizing sexual violence and raising the age of majority for girls to 18.

115. On 21 June 2006, eight soldiers were sentenced to life in prison for mass rape committed during a riot in July 2005 in Mbandaka (Équateur Province) in the north-western part of the country.

116. According to a report by the NGO Synergie provinciale de lutte contre les violences sexuelles, at least 4,000 cases of rape have been identified in the Province of South Kivu during the period from January to May 2006 alone.

117. On 18 June 2006, several cases of rape and abusive treatment by FARDC soldiers were reported in North Kivu: a girl stated that she had been raped by the 9th brigade of the FARDC in Kalengera in Rutshuru territory; on 24 June three women were raped by six soldiers in the village of Muja, 10 kilometres north of Goma.

E. Situation of children

118. The situation of children in periods and in zones of conflict is always dramatic. The independent expert, in previous reports, condemned the use of children, in particular, to wage war and engage in prostitution, but it has to be noted that these practices still persist.

119. Even in the so-called pacified zones, intolerable and inadmissible conduct in this regard can be observed, notably criminalization and mistreatment of children allegedly engaging in witchcraft. The Government must punish such conduct in order to protect children.

120. The independent expert draws attention here to his previous reports (A/60/395 and E/CN.4/2006/113) and will limit himself to mentioning some recent cases providing evidence of unacceptable treatment of children.

121. During a prayer meeting at Lubumbashi in Katanga Province, a pastor of the 30th Pentecostal community of the Congo burned four children alleged to have engaged in witchcraft.

122. About twenty pupils are said to have been physically abused by an abbot in Mwene-Ditu in Kasaï-Oriental.

123. The representatives of UNICEF, the NGO Save the Children and the Child Protection Section of MONUC have drawn attention to the presence of children within the FARDC in Walikale.

F. Refugees, war-displaced persons and internally displaced persons

124. The fighting and the voluntary or forced displacements of the rebel groups are causing constant displacements of populations held hostage. The independent expert will list here some occurrences that illustrate the gravity of the phenomenon.

125. In the Katanga region, the military operations launched against the Mai-Mai militiamen since 11 November 2005 have caused some 120,000 people to flee. This situation affects the territories of Pweto, Mitwaba and Bukama.

126. The attack on Rutshuru territory launched on 18 January 2006 by General Laurent Nkunda resulted in the displacement of almost 20,000 persons and the Office of the High Commissioner for Refugees (HCR) reports that 15,000 refugees have moved to the Kisoro region.

127. In South Kivu, the fighting in Mwenga territory between the Congolese army and the Rwandan Hutu movement Forces démocratiques pour la libération du Rwanda (FDLR) has caused the displacement of almost 150,000 people, according to OCHA.[10] The same source indicates that the clashes between the regular army and the insurgents in North Kivu displaced almost 70,000 persons in the first half of 2006.

128. On 24 February, more than 60,000 displaced persons received humanitarian aid in the zones of Pweto, Dubie, Bukama and Mitwaba in Katanga Province.

129. OCHA reports that a thousand displaced persons have arrived in the areas south of Bunia.[11] The militias accuse them of collaborating with the FARDC and kill them in retaliation, while the FARDC suspect them of being in league with the enemy militias and mete out the same cruel treatment.

130. On 1 March 2006, 8,000 and then 10,000 people fled Tchey to take refuge in Aveba after messages announced that war was imminent to disarm the militias.

131. About 300 men, women and children from Aveba and Kagaba arrived on 30 April 2006 in Komanad, south of Bunia. They were fleeing the threats of the Mouvement Révolutionnaire Congolais (MRC) militia.

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[10] See "DRC: Humanitarian action plan launched", IRIN News, 13 February 2006 (http://www.irinnews.org/report.asp?ReportID=51669&SelectRegion=Great_Lakes&SelectCountry=DRC).

[11] See "DRC: New movement of displaced in Ituri District", IRIN News, 8 March 2006 (http://www.irinnews.org/report.asp?ReportID=52088&SelectRegion=Great_Lakes&SelectCountry=DRC).

132. Several humanitarian organizations report that the fighting between the FARDC and the Mai-Mai militiamen in the north and centre of Katanga Province has displaced at least 165,000 persons in the past six months.

133. At the beginning of July 2006, 882 Congolese refugees from the Democratic Republic of the Congo were repatriated from the United Republic of Tanzania, 448 of them arriving via Baraka in South Kivu.

G. Rights of minorities

134. Many reports point to the urgency of focusing on the rights of the indigenous and minority peoples. The indigenous peoples' rights to their lands are often flouted, violated or ignored, as are their other fundamental rights (economic, cultural, social and political).

135. The press reports that the present situation is causing great hardship to the indigenous populations. The NGO MADDY reported on 21 March 2006 that more than 150 Pygmies had been driven off their lands in Masisi in North Kivu. Fleeing Bufumandu, they took refuge in Mubambiro, 20 kilometres from Goma.

136. In a press release of 23 March 2006, CODHO reported on Pygmies being hunted. On 14 March, 89 Pygmies (36 children, 30 women and 23 men) reached Mubambiro (Sake), 25 kilometres south of Goma; they were said to be without lodging and without food.[12]

137. AJERH, in an alert of 6 June 2006, draws attention to the difficult conditions in which the indigenous peoples of North and South Kivu, in the territories of Rutshuru, Masisi, Lubero and Walikale, have been living since the outbreak of the war between the FARDC soldiers of the 5th Brigade and the soldiers loyal to General Laurent Nkunda.

H. The prison situation

138. Despite efforts to improve it, the prison situation remains precarious and serious. Detention conditions are deplorable almost everywhere, with escape being the prisoner's only chance of survival. In prisons and holding cells everywhere, the situation is one of overcrowding, outdated facilities, lack of hygiene, food and medical care, and disregard of proper procedures resulting in illegal detentions.

139. The independent expert wishes to draw attention to some particularly noteworthy cases. After the escape reported on 28 March 2006 from the Osio high-security prison in Kisangani, there was another escape, on 2 April 2006, involving 34 prisoners from the central prison in Kisangani. According to the prison governor, the escape is attributable to the lack of food and medical care and to the delay in processing prisoners' cases.

140. In the evening of 4 June 2006, 192 prisoners escaped from the Bukavu prison, after tying up the soldiers guarding them. The same source mentions that the human

[12] See "RDCongo-Nord Kivu: Persécution/déportation/dépossession/catastrophe humanitaire des autochtones pygmées", source: ASSODIP/Goma (http://www.congovision.com/forum/codho2.html).

rights monitoring committee for the central prison of Boma (Bas-Congo), has complained of the deplorable situation there and accused the Ministry of Justice of making no effort to find meaningful solutions.

141. The same source reports that, on 25 June 2006, more than 70 prisoners from the central prison of Mwene-Ditu in Kasai Oriental Province escaped by forcing the doors of their cells and breaking through the outer wall.

V. Justice, impunity and future directions

A. Internal justice and impunity

142. The smooth functioning of the justice system depends on working conditions in its institutions and the resources placed at their disposal. However, the budget allocation for justice in both 2005 and 2006 was insignificant (about 0.6 per cent), when measured against the multiple problems facing this crucial sector, notably the dilapidation of infrastructures, shortages of judges and magistrates and intolerable working conditions.

143. Judges' and magistrates' salaries are ludicrous and are not paid regularly. The amounts range from US$ 13 for a local magistrate to US$ 30 for senior Supreme Court judges and prosecutors. It should nevertheless be noted that substantial monthly bonuses ranging from US$ 350 to US$ 500 are paid to all judges and magistrates. These bonuses are 15 to 20 times higher than the salaries of some judicial officials.

144. Many judges and magistrates have complained about their meagre salaries; some have waited four or five years to receive a tiny advance. With such working conditions, they are at the mercy of the persons under their jurisdiction. The independent expert was told that judges and magistrates were driven to hearings by defendants. The financial independence of the judiciary is obviously vital for the proper functioning of the judicial system.

145. Obviously, in such conditions crime cannot be counterbalanced. Judges cannot assert themselves, still less pass independent judgements. That being the case, there is no guarantee of protection for them if they question, arrest, try, convict or imprison this perpetrator of a crime or that warlord. Judges and magistrates are not free to take decisions and have no protection against political or other pressures.

146. It should be noted, however, that, in the context of reform of the justice system, in May 2006 Parliament adopted legislation regularizing the status of the magistrates in the Democratic Republic of the Congo, although to date this legislation has not yet been promulgated.

147. The existence of an independent and impartial judiciary and an independent bar is an essential prerequisite for ensuring the protection of human rights and guaranteeing that there is no discrimination in the administration of justice.

148. Despite these major problems, however, it should be emphasized that domestic justice has been bravely upheld by major landmark decisions that should be lauded. For example, on 3 June 2006 the Kananga garrison court sentenced two soldiers to 18 and 17 years' imprisonment for the rape of two 13-year-old girls, also pronouncing other sentences of penal servitude.

149. Another decision is noteworthy because of the interest it aroused. This is the verdict in the so-called Songo-Mboyo trial. On 12 April 2006, the Mbandaka garrison court (Équateur Province) handed down its verdict in the trial of the soldiers of the former 2nd and 3rd Brigades of the Mouvement pour la libération du Congo (MLC), accused of mass rape of a number of women and girls living in the locality of Songo-Mboyo, in Bongandanga territory.

150. The case goes back to the night of 21 December 2003, when soldiers demanding their pay had perpetrated a mass rape of at least 119 women and girls, several under the age of 18. The accused were tried for crimes against humanity. The court, in its judgement handed down on 12 April 2006, sentenced seven of the 12 soldiers to life imprisonment for crimes against humanity. Reparation amounting to US$ 10,000 was requested for the family of one victim who died. The other rape victims will each receive US$ 5,000. It is important to note that the court made the Congolese Government jointly and severally liable for paying these amounts in the event that the perpetrators are insolvent (as is likely).

151. The Songo-Mboyo trial is significant because, for the first time, the court applied the principles embodied in the Rome Statute of the International Criminal Court, which qualifies mass rape as a crime against humanity. It should be noted that the Mbandaka garrison tribunal sentenced members of the powerful FARDC to life terms for this crime.

152. The high crime rate in the Democratic Republic of the Congo, the disturbing number of offences committed and the impunity, which encourages repeat offences, compound the impotence of the national courts. The judiciary suffers from a severe lack of financial and human resources and does not have the authority to effectively address the serious crimes committed by warlords or senior civil servants. In such cases, it is necessary to use other legal mechanisms, in particular the International Criminal Court.

B. The International Criminal Court: severe limits on the campaign against impunity in the Democratic Republic of the Congo

153. The International Criminal Court initiated proceedings in the Democratic Republic of the Congo within the framework of the campaign against impunity.

154. On 20 March 2006, Pre-Trial Chamber I held a first appearance hearing in the case against Thomas Lubanga Dyilo, a warlord from Ituri Province and militia leader of the Union des patriotes congolais (UPC), who is incarcerated in The Hague and has been charged with, inter alia, the conscription and use of children during the 2002-2003 civil war. The Office of the Prosecutor of the International Criminal Court, who arrived in Kinshasa on 3 April 2006, reaffirmed the Court's intention to prosecute the crimes within its jurisdiction committed in the Democratic Republic of the Congo since 2002.

155. It is clear from the foregoing that the International Criminal Court alone cannot try all the crimes and serious violations of human rights and international humanitarian law committed in the Democratic Republic of the Congo over almost a decade, its jurisdiction being limited to acts committed since the entry into force of the Rome Statute (1 July 2002).

156. What is needed, therefore, is a mechanism that would guarantee not only the effective suppression of crimes covered by the Rome Statute committed prior to 1 July 2002 but also the administration of justice and an all-out campaign against impunity.

C. Establishment of a special international criminal tribunal or joint criminal chambers

157. In order to combat impunity, which must be done if there is to be peace in the country and further crimes are to be prevented, the independent expert recommends the creation of a special international tribunal for the Democratic Republic of the Congo or, failing that, joint criminal chambers to try crimes committed since 1994, the year specified in United Nations resolutions for serious violations of humanitarian law.

158. Certain measures could be taken to reduce the costs of a special tribunal. It could sit within the country, somewhere near its centre, in order to keep down the costs of transporting defendants and witnesses. The host State could provide premises and defray certain costs; at least half the judges and three quarters of the judicial personnel would be citizens of the Democratic Republic of the Congo; and the host State could be responsible for appointing lawyers.

159. Should it prove impossible to create an international tribunal, bearing in mind that it is essential to combat impunity and extremely serious crimes, consideration could be given to establishing joint criminal chambers attached to the appeal courts, with the right of appeal (preliminary and final appeal) to a chamber that is competent to hear it but which would come under the Supreme Court:

(a) Chambers of first instance could be attached to five appeal courts, one in Kinshasa and the other four strategically located throughout the country, taking into account the size of the country and distances;

(b) Chambers of first instance could be composed of three judges (two national and one non-national, or vice versa);

(c) The preliminary or final appeal court could be composed of three judges (two non-national and one national, or vice versa);

(d) The Public Prosecutor's Office would be organized and would function according to the same criteria.

160. The name of the institution could be the "Joint Criminal Chamber" and it would be responsible for trying persons accused of acts of genocide or other serious violations of human rights and international humanitarian law committed on the territory of the Democratic Republic of the Congo, as well as citizens of the Democratic Republic of the Congo accused of committing such acts or violations on the territory of neighbouring States.

161. Such an institution would be more flexible and less costly should the creation of a special international criminal tribunal prove unfeasible. It should nevertheless receive full support from the international community, given the country's current destitution.

162. The new joint criminal chambers could also contribute to restoring the country's judicial system in terms of staff, training, equipment and living and working conditions.

VI. Recommendations

163. **The independent expert recommends to all the Congolese parties, whether or not signatories to the Global and All-Inclusive Agreement, that they should:**

- **Promote among the population a culture of peace, tolerance, reconciliation, pardon, fraternity, peaceful coexistence, integration, national unity and patriotism;**
- **Recognize the need for all political actors and the media to foster the culture of dialogue and rejection of violence or incitement to violence and ethnic hatred.**

164. **The independent expert recommends to the Government of National Unity and Transition that it should:**

- **Take all necessary measures to affirm and consolidate the State's authority over the entire territory and foster rapprochement and a spirit of dialogue among the political actors;**
- **Ensure the effective integration, reunification, reinforcement and equipment of the army and police;**
- **Improve the currently precarious and inadequate physical, intellectual and equipment conditions of institutions and employees of the State, especially the judiciary, so that it can respond effectively to the requirements of justice and the fight against impunity;**
- **Combat the trafficking and illegal exploitation of natural resources;**
- **Combat all the crimes that continue to be committed, particularly sexual violence against women and children as a weapon of war;**
- **Combat the continuing use of children for war; combat militias and privately armed groups and prevent them from rearming;**
- **Combat the impunity which gives rise to crime;**
- **Work to enhance the status of women, protect them and help them to fulfil their potential; promote the rights of the child.**

165. **At the international level, the expert recommends that:**

(a) **The international community should:**

- **Support the transition to permit the establishment of the rule of law and a culture of lasting peace and support the current electoral process and its consequences;**
- **Support the restructuring, integration, recruitment, training and equipping of the army, the security forces and the police;**
- **Increase its support for MONUC and EUFOR to enable them to provide broader and greater mentoring and support to the FARDC**

and the national police, so that they may meet the various challenges posed by the constant crime and unrest within the country and on its borders;

- **Assist the field office of the Office of the High Commissioner for Human Rights in the Democratic Republic of the Congo in implementing its programmes and activities;**

- **Provide all necessary assistance to enable the independent expert to fulfil his complex mandate, taking into account the vastness of the country and the many human rights areas covered by his mandate;**

(b) **The Human Rights Council, the General Assembly, the Security Council and the Economic and Social Council should:**

- **Given the destitution of the judicial system in the Democratic Republic of the Congo and the scale and gravity of the crimes being perpetrated there for over a decade, establish by decision of the Security Council an international criminal tribunal for the Democratic Republic of the Congo or, failing that, joint criminal chambers within existing Congolese courts to hear cases involving crimes committed before 1 July 2002 and all subsequent crimes.**

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Missing persons*

Report of the Secretary-General

Summary

In its resolution 59/189, the General Assembly requested the Secretary-General to bring the resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to submit a comprehensive report on the implementation of the resolution to the General Assembly at its sixty-first session.

In response to a note verbale dated 15 May 2006, information was received from the Governments of Azerbaijan, Colombia, Croatia, Cyprus, Guatemala, Jordan, Mauritius, Mexico, Tunisia and Venezuela (Bolivarian Republic of). Information was also received from the International Committee of the Red Cross. The present report, which was prepared in accordance with resolution 59/189, contains a summary of the replies received.

* This report was submitted after the deadline in order to reflect the most up-to-date information possible.

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I. Introduction

1. The General Assembly, in its resolution 59/189 noted that the issue of persons reported missing in connection with international armed conflict, in particular those who are victims of serious violations of international humanitarian law, continues to have a negative impact on efforts to put an end to those conflicts and urged States strictly to observe, respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949 and in the Additional Protocols thereto, of 1977.

2. The Assembly called upon States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflict, to account for persons reported missing as a result of such a situation and to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict. It also reaffirmed the right of families to know the fate of their relatives reported missing in connection with armed conflicts and the duty of each party to an armed conflict, as soon as circumstances permit it and, at the latest, from the end of active hostilities, to search for the persons who have been reported missing by an adverse party.

3. The Assembly also requested States to pay the utmost attention to cases of children reported missing in connection with armed conflict and to take appropriate measures to search for and identify those children. It also invited States which are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross (ICRC) in establishing the fate of missing persons and to adopt a comprehensive approach to that issue, including all practical and coordination mechanisms that might be necessary, based on humanitarian considerations only.

4. The Secretary-General was requested to submit a report on the implementation of resolution 59/189 to the Assembly at its sixty-first session. The present document is submitted in accordance with that request.

II. Replies received from Governments

Azerbaijan

5. The Government of Azerbaijan stated that the issue of missing persons resulting from the conflict with Armenia was a purely humanitarian matter and that the humanitarian aspect should prevail over political considerations. The State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons was dealing directly with the search for missing persons and hostages as well as seeking their release. It regularly collected and analysed relevant information and established a special comprehensive database on missing persons. The State Commission had also established close contacts with relevant international organizations, especially ICRC and the International Working Group to Search for the Missing, Hostages and Prisoners of War, which comprised human rights activists from Germany, the Russian Federation and Georgia.

6. The Government reported that significant numbers of missing persons were civilians who had not participated in military combat operations and that special

attention should be paid to children, women and the elderly. The Government did not limit its efforts to citizens of Azerbaijan, but respected the rules of international humanitarian law in the search for all missing persons of Armenian origin as well.

Colombia

7. The Government of Colombia referred to the adoption of Act No. 589 of 6 July 2000 which recognizes the offences of genocide, enforced disappearance, forced displacement and torture. The Act provides for important criminal policy measures for dealing with the crime of enforced disappearance, including the establishment of the Commission on the Search for Disappeared Persons, the establishment of the National Register of Disappeared Persons and the Urgent Search Mechanism, as well as the promulgation of measures relating to the administration of property belonging to victims of that crime. The Act also underscores the State's ongoing obligation to undertake all measures necessary to establish the whereabouts of the victim and prevent the granting of pardon or amnesty to individuals who commit such crimes.

8. The Search Commission, in particular, has the function of supporting the investigation of enforced disappearances by undertaking activities to ensure the success of the investigation and formulating plans for locating disappeared persons, covering also the legal aspects, as well as plans that can be undertaken by concerned individuals and non-governmental organizations (NGOs).

9. It also has the function of assessing plans for locating disappeared persons; supporting the implementation of plans for locating disappeared persons, which involves providing the necessary assistance to the authorities responsible for investigating enforced disappearances, and cooperating with individuals and NGOs that request State authorities or agencies to undertake specific activities to ascertain the circumstances of the enforced disappearance and to find the victim; and establishing working groups for specific cases, which involves selecting civil servants who are members of the Commission to be directly responsible for undertaking any of the activities mentioned above in respect of a particular case.

10. The Government provided information on the strategies developed by the Search Commission in the discharge of its functions, namely, through the regulation and strengthening of inter-institutional coordination, the design of coordination instruments to encourage member entities to meet their obligations or provide the information needed to ascertain the circumstances of the disappearance, and the drafting of guidelines for institutions.

11. These strategies consist in support for criminal and disciplinary proceedings through the design of models for investigation; expert and technical advisory services; liaison between the investigating unit and members of the victim's family to facilitate the collection of evidence that would lead to the location of the disappeared person; support for the development of the National Register of Disappeared Persons, which contains all information used for identifying corpses; and development and submission of a bill governing the Urgent Search Mechanism. Other strategies include the promotion of investigations through training activities that provide information about the functions of the Commission and the scope and interpretation of legal mechanisms, and follow-up and monitoring of plans for locating disappeared persons by keeping itself informed about the general plans

drawn up by the various bodies responsible for investigating the crime of enforced disappearance as well as by concerned individuals and NGOs, which are a source of information for formal investigations.

12. The Government also described several activities undertaken in that field, such as: the creation of a working group to advise the Director-General of the Police about cases of enforced disappearance and the establishment of working groups on preventing, investigating and collecting information on cases of enforced disappearances in regional police units, metropolitan police and police departments at the national level; the preparation of a brochure which will be distributed widely and will contain key concepts relating to the identification and prevention of enforced disappearances in the country; and the launching of a public information campaign and the organization of seminars to raise awareness about the crime of enforced disappearance.

Croatia

13. The Government of Croatia stated that it welcomed the adoption of General Assembly resolution 59/189. Having directly encountered the problem of missing persons, Croatia has been implementing international humanitarian law since 1991, and especially such provisions as stipulated by the Geneva Conventions and the Additional Protocols pertaining to missing persons. Since 1991, Croatia has established and developed institutional mechanisms for dealing with this issue. This resulted in the development of the "Croatian model for tracing missing persons", which included positive experiences of international organizations and countries that had addressed this issue, while considering the geopolitical, cultural and other characteristics of Croatia.

14. The basis for resolving the issue of missing persons in Croatia included the following principles: every person's right to life, liberty and security of person; prohibition of cruel, inhuman or degrading treatment or punishment; and every family's right to know the truth about the fate of their loved ones. The issue of missing persons was also closely related to other priority issues in Croatia, including the return of displaced persons and refugees, the establishment of coexistence as a precondition for normalization of relations in the previously occupied territories, and normalization and improvement of relations with neighbouring States.

15. Out of 18,000 persons registered as detained, missing and forcibly abducted in 1991, 7,666 persons were located, exchanged and released by the Governments or militias holding them. In order to collect all pertinent information, the relevant bodies of Croatia in 1994 renewed requests for searches for missing persons to be undertaken. As a consequence, 3,053 persons, mostly ethnic Croatians and non-Serbs, were registered missing, having been taken away by force. Detailed information on missing persons was collected, including ante-mortem data. This approach for tracing was later adopted by Bosnia and Herzegovina and Serbia and Montenegro, including Kosovo, and was implemented by international institutions as well. Additionally, information was also collected according to the forms supplied by the then United Nations Centre for Human Rights and delivered to the United Nations special process on missing persons in the territory of the former Yugoslavia. The efforts of Croatia resulted in the exhumation of 141 mass graves

and over 1,200 individual graves. Of the remains of 3,573 persons, 2,972 persons were positively identified and their remains returned to the families. Relevant authorities organized burials and reimbursed the expenses for all the identified victims, whose burials took place in accordance with their families' wishes.

16. The Government further stated that, even though the above measures resulted in resolving the fate of most of the missing and detained persons, the fate of 1,149 forcibly abducted missing persons remained unknown. That was the most difficult humanitarian issue to emerge as a result of armed conflict in Croatia. Of 1,149 persons still sought, 51 per cent were civilians, 20 per cent were women, and as many as 29 per cent were elderly. Twelve persons whose fate was still unknown were minors at the time of their disappearance.

17. The issue of missing persons is a priority in the Government's relations with Serbia and Montenegro, which had access to information and documentation on missing persons in Croatia and on whose territory unidentified victims had been buried. However, after a prisoner-of-war exchange in 1992, the then Federal Republic of Yugoslavia (Serbia and Montenegro) suspended the negotiation process on missing persons. Similarly, it refused any cooperation with the United Nations special process on missing persons in the territory of the former Yugoslavia. That was one of the main reasons for the adoption by the Commission on Human Rights of resolution 1995/35, in which the Commission urged the Federal Republic of Yugoslavia to cooperate in tracing missing persons. Having signed bilateral agreements and a protocol on cooperation between commissions on missing persons in 1996, some slow improvement in resolving the issue was made. Most cases of missing persons would be resolved if Serbia and Montenegro's dossiers were opened and information made available. Meanwhile, Croatia has undertaken all measures and activities to resolve the fate of about 200 missing citizens of Serbia and Montenegro who participated in the war against Croatia. During the implementation of the tracing activities, the presence of observers from international organizations and expert observers of interested parties was authorized.

18. The Government stated that, in addition to the cases mentioned, a considerable number of persons, mostly its citizens of Serb ethnicity, disappeared during the liberation of the previously occupied areas of Croatia in 1995. Since Croatia is committed to resolving the fate of all its missing citizens regardless of their origin, ethnicity, religion or any other affiliation, information concerning 867 missing persons from that time was collected at its initiative and in cooperation with ICRC. Following the identical approach to resolving the fate of missing persons, 499 persons were exhumed, of whom 292 were positively identified and returned to their families. Burial according to the families' wishes was ensured for all identified persons.

19. The system for tracing was complemented by outstanding care for the families of missing and forcibly abducted persons. All families of missing persons, regardless of their origin, ethnicity, religion or any other affiliation, including the circumstances of the disappearance, were encouraged to file tracing requests with relevant governmental bodies, in accordance with the highest standards of ICRC and the Commission on Human Rights. Families were continually informed of the tracing process through direct individual contact, cooperation with relevant NGOs and by public statements. Once the fate of a missing person had been confirmed, the tracing process was closed, with the approval of the family. In addition,

psychological and social care were made available to family members and they were granted, through legislation, special status rights.

20. Since 1991, Croatia has cooperated with international organizations whose mandate concerns the issue of missing persons. Since the establishment of its Office in Croatia in 1991, ICRC has been able to fully implement its mandate on Croatian territory. During the war years, intensive cooperation between the Government and ICRC took place on the issue of missing persons. By accepting the standards of ICRC, Croatia confirmed its acceptance of respect for, and implementation of, humanitarian principles concerning the issue of missing persons. A joint project of the Government and ICRC concerning the collection of ante-mortem and other types of data relevant for the tracing process was successfully completed. Other projects currently under way include the establishment of a system for, and operational cooperation in, the organization of identification processes and the burial of remains. Additionally, Croatia has cooperated with other international organizations, including the International Commission on Missing Persons in Bosnia and Herzegovina.

Cyprus

21. The Government of Cyprus, with reference to persons missing in Cyprus as a result of the 1974 invasion and military occupation by Turkey of part of the territory of Cyprus, noted that military personnel and reservists, as well as civilians, including women and children, were captured by the armed forces during July and August 1974 and have since disappeared. Others disappeared after the cessation of hostilities, in areas under the control of the Turkish army. Some were listed as prisoners of war (POWs) by ICRC and were included in the list of POWs transferred to mainland Turkey, but since then their fate remains unknown.

22. The Government also noted that several resolutions of the General Assembly, the Commission on Human Rights and the Security Council have addressed the issue of missing persons in Cyprus, confirming the basic need of the families to be informed of the fate of their loved ones. The Government also referred to resolutions or judgements taken on this issue of the European Parliament, the European Court of Human Rights and the Committee of Ministers of the Council of Europe, in particular the interim resolution adopted on 7 June 2005 by the Committee of Ministers of the Council of Europe concerning the judgement of the European Court of Human Rights of 10 May 2001 in the Fourth Interstate Appeal of Cyprus against Turkey. The resolution required effective measures to be taken by Turkey to deal with the tragically unsolved humanitarian problem of missing persons, notably in achieving concrete results in respect of effective investigations into their fate.

Guatemala

23. The Government of Guatemala noted the establishment in May 2006 of the Commission on the Search for Persons Who Disappeared during the Internal Armed Conflict. The purpose of the Commission is to coordinate the work of its members and their interaction with other State bodies and institutions and with civil society organizations in order to establish mechanisms for tracing, investigating and

determining the whereabouts of persons subjected to forced or involuntary disappearance during the internal armed conflict. The Commission's main tasks are to submit for the approval of the President a national plan to search for persons who disappeared during the internal armed conflict and to prepare and make proposals for the establishment of a national office to search for those persons.

24. This initiative was preceded in 2001 by the setting up of a national commission, under the aegis of the Office of the Human Rights Prosecutor, to search for children who disappeared during the internal armed conflict, and also by other initiatives taken by human rights NGOs such as the Forensic Anthropology Foundation, which carried out a number of exhumations that have made it possible to identify persons who disappeared during the internal armed conflict.

Jordan

25. The Government of Jordan stated that investigations and tracing operations concerning missing persons in Jordan are carried out through the Police Departments in the Directorate of General Security, according to their areas of specialization. In the cases where departure from Jordanian territory has been established, the Interpol secretariat and the Arab Office for Criminal Police are duly informed so that they may issue the "International Yellow Forms" to disseminate the relevant information on the missing or disappeared persons. Jordan also deals the same way with international requests addressed to it about similar cases of disappearance.

Mauritius

26. The Government of Mauritius reported that the issue of missing persons in the context of General Assembly resolution 59/189 is not applicable to Mauritius as the country does not have any armed forces and there is no armed conflict in the territory, nor has any person been reported missing in connection with an international armed conflict.

Mexico

27. The Government of Mexico stated that the issue of missing persons in the context of armed conflict is not applicable as there is no armed conflict in the territory.

28. However, the Government noted that the Department for Crime Prevention and Community Services of the Office of the Attorney-General of the Republic ran a social support programme for relatives of missing or abducted persons, which consisted of the dissemination at the national level of flyers containing a photograph and the physical description of the missing person. A comprehensive care system was also implemented. The system provided multidisciplinary support in the areas of legal assistance, social work and psychological support with a view to helping family and friends to cope with the absence of the loved one. This programme liaised with the Office of the Assistant Attorney-General for Organized Crime Investigation, the Federal Investigation Agency, Interpol Mexico and the Office of

the Assistant Attorney-General for Human Rights, Victim Care and Community Services. There is a coordinating office for missing or abducted minors. The Government has also supported the National Human Rights Commission in its programme on persons presumed missing.

Tunisia

29. The Government stated that the phenomenon of suspicious or forced disappearances does not exist in Tunisia. The Tunisian approach to human rights is rooted in the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, the Universal Declaration of Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In adhering to international norms, Tunisia has adopted a broad strategy to combat the scourge of missing persons through the elaboration of a human rights policy in the justice, security and law enforcement sectors, as well as through the adoption of legislation which conforms to international standards, notably those regulating police custody, remand and prison systems, and the prohibition of torture and other cruel, inhuman or degrading treatment.

Venezuela (Bolivarian Republic of)

30. The Government of the Bolivarian Republic of Venezuela stated that General Assembly resolution 59/189 principally addresses cases of disappearance in States in a situation of armed conflict and as Venezuela is not in such a situation, the assumptions made in the resolution with a view to its possible implementation do not apply. With respect to persons missing as a result of ordinary offences, the Government referred to the activities of the Homicide Investigation Division, under the supervision of the Scientific, Criminal and Criminological Investigation Unit, and its Department of Investigations into Crimes against Human Life and Psychological and Physical Integrity, which is mandated to investigate offences against the person in the form of violent death. The Department also has a Special Victims Unit, whose function is to locate missing persons and deal with complaints of death threats, by taking all the necessary steps to prevent the commission of any crimes against such persons.

III. Reply received from the International Committee of the Red Cross

31. ICRC stated that it has continued its activities aimed at addressing the issue of people who go missing as a result of armed conflict or internal violence and the plight of their relatives.

32. In line with the objectives clearly set out in the Agenda for Humanitarian Action adopted at the 28th International Conference of the Red Cross and Red Crescent, ICRC reinforces its traditional activities in this field whenever necessary by taking into account recommendations and best practices. Main areas of work include, as in the previous year (see E/CN.4/2006/68): the promotion and development of law aiming at preventing enforced disappearance; cooperation with

armed forces and regional military organizations in order to ensure, for instance, that military personnel wear some form of personal identification and can regularly exchange news with their families, and that human remains and information on the deceased are properly handled on the battlefield; strengthening the capacity of the Red Cross and Red Crescent Family News Network; development and promotion of guidelines and standards of best practices for the management of human remains and forensic human identification as well as on the specific needs of the families of missing persons and how these needs can be met.

33. In doing so, ICRC, throughout the period under review, raised the issue of missing persons and their families in international and regional organisations, with the aim of getting these organizations to encourage their members to adopt appropriate legislation.

34. For example, ICRC is currently raising awareness of international humanitarian law (IHL) issues among the representatives of the Interparliamentary Assembly of the Commonwealth of Independent States (CIS), and is encouraging them to adopt recommendations and draft model laws on the promotion and implementation of IHL. ICRC has produced a draft law on missing persons and an explanatory note to go with it, and presented these to the Commission on Human Rights and Social Policy of the Interparliamentary Assembly of CIS in March 2006.

35. ICRC has continued its awareness-raising within the Organization of American States (OAS) and supported a second resolution on missing persons, which was put on the agenda of the thirty-sixth session of the OAS General Assembly by Peru, Argentina and Colombia which was adopted in June 2006 (AG/RES. 2231).

36. ICRC conducts and supports studies on the compatibility of domestic law with international humanitarian law as it affects the issue of missing persons, comparing domestic law with international law and establishing plans of action. Such studies have been carried out in Armenia, Azerbaijan, Georgia, Guatemala, Indonesia and Sri Lanka, and are under consideration in Argentina, Brazil, Chile and Peru.

37. Information on existing national laws relating to missing persons and enforced disappearance are continually being added to the ICRC database on national measures for the implementation of international humanitarian law (www.icrc.org/ihl-nat).

38. ICRC and the Belgium Inter-departmental Commission for International Humanitarian Law plan to organize a workshop in Brussels on 25 and 26 September 2006 in order to encourage European Governments to step up their efforts and increase their commitment with regard to the establishment of national mechanisms and the adoption of legal measures intended to address the problem of missing persons.

39. As part of its efforts to help detainees, ICRC has continued to strive to prevent or put an end to cases of enforced disappearance and endeavoured to ensure that detainees can maintain contact with their families and benefit from the procedural and judicial guarantees to which they are entitled under IHL and other bodies of law. In 2005, ICRC had access to some 530,000 people deprived of their freedom in over 80 countries, of whom some 47,000 were individually monitored and registered.

40. ICRC carried out a survey in more than 40 countries on how armed and security forces handled issues such as communication between troops and their

families, means of personal identification for troops on the battlefield and the handling of human remains in combat situations. On the basis of this survey, ICRC produced an information and training kit designed to help improve these practices where needed.

41. ICRC continued to help maintain and restore contact between family members through the worldwide Red Cross and Red Crescent Family Links Network. In 2005, 505,748 Red Cross messages were collected and 453,727 distributed, the Internet was used to trace people via the ICRC Family Links website, and 6,780 satellite/mobile phones were provided to those who have the telephone number of a relative. With the consent of those concerned, lists of people either providing news or looking for news from relatives have been published on paper and on the ICRC website (337,862 in 2005), and broadcasted on radio or TV.

42. The organization also makes confidential representations to the authorities and to leaders to obtain information and clarify the fate of the missing person. In this respect, ICRC maintained a constant dialogue with authorities in many places around the world, such as Angola, Armenia, Azerbaijan, the Balkans, Chechnya, Ethiopia, Eritrea, Georgia, Iraq, Nepal, Sri Lanka and Western Sahara.

43. Where appropriate, ICRC continued to promote the establishment of national and multilateral mechanisms involving all the former parties to the conflict — and potentially other bodies — working together, in accordance with agreed procedures, towards a common objective concerning missing persons and their families. In particular, ICRC provided as much support as possible to mechanisms whose objectives include clarifying the fate of missing persons and support for their families, for example in Timor-Leste, Bosnia and Herzegovina and Iraq. It participated in — or even chairs — special mechanisms, such as the working group on missing persons in Kosovo, which helped to establish the fate of a number of missing persons and to return their remains to their families.

44. ICRC also continued to encourage and support the establishment by the States of National Information Bureaus and Grave Registration Services. An assessment of existing mechanisms in selected countries is currently under way.

45. To support States and others to fulfil their obligations under international humanitarian law to ensure the proper and dignified management of the dead and to help clarify the fate of missing persons, ICRC forensic experts continued to be engaged in needs assessments and operational support for ICRC field activities related to human remains and forensic science; development and dissemination of ICRC guidelines; and training and networking with forensic experts and institutions worldwide. In addition to the experts at headquarters, a regional forensic adviser based in Tbilisi was recently recruited to provide technical support in Georgia, Armenia, Azerbaijan, the Russian Federation and the Balkans. In this regard, a mission to Lima by the ICRC Forensic Adviser was organized from 26 February to 8 March 2006 in response to a request from the Equipo Peruano de Antropologia Forense for technical assistance (analysis and assessment of its various databases), in the framework of the ICRC-supported project *Memoria de los Desapparecidos*. The project aims at collecting ante-mortem data to preserve them for future investigations. ICRC recently provided the Committee on Missing Persons in Cyprus with technical forensic advice to help in its efforts to ensure the most appropriate and cost-effective project for exhumations and identifications, and in particular advice for its Programme for Exhumations and Identifications.

46. Other activities in this regard included the design and implementation of a long-term strategy for investigations into cases of missing persons in the Southern Caucasus; support and training, at the request of the Pakistani authorities, leading to improved disaster victim identification on the part of authorities and organizations involved in disaster response; and the support and training for Iraqi forensic organizations and practitioners to help them improve the management and identification of bodies.

47. Dissemination of ICRC standards and guidelines on forensic sciences and human remains for specialists and non-specialists has continued to be carried out for ICRC staff, the Red Cross/Red Crescent Movement and external stakeholders. In addition to last year's publications, ICRC published a legal, ethical and practical guide relating to the use of DNA and the identification of human remains in contexts of armed conflict or internal violence at the end of 2005. The lessons learned from the 2004 tsunami and other major natural disasters in 2005 prompted ICRC to join forces with the World Health Organization, the Pan American Health Organization and the International Federation of Red Cross and Red Crescent Societies, resulting in a manual entitled *Management of Dead Bodies after Disasters: A Field Manual for First Responders*, which was published in 2006 and widely distributed by the organizations involved. Both publications are available on the ICRC website.

48. ICRC experts also actively helped to build up knowledge, skills and expertise in the field of human remains management and forensic identification, both within the Movement and outside the institution. In Sri Lanka, in December 2005, an ICRC forensic anthropologist conducted two workshops for senior police and army officers on the recovery and treatment of human remains.

49. In addition, ICRC experts contributed to developing and strengthening a professional network of local, regional and international forensic institutions, associations and practitioners worldwide, in order to better meet growing needs and demands for forensic expertise in efforts to deal with the problem of missing persons. In October 2005, ICRC supported and helped organize a meeting in Bogotá between representatives of the Forensic Anthropology Society of Europe and the Latin American Association of Forensic Anthropology, to promote cooperation on research and training on forensic investigations into issues relating to missing persons.

50. Finally, ICRC helped some families of missing persons to cope with the consequences of the particularly distressing experience they have suffered ("complicated mourning"). In Kosovo, ICRC held training seminars to help family associations support their members. Through contracted consultants, for example, ICRC provided psychological support to 158 relatives of missing persons through projects in 2005 and four additional projects for 56 members in the first half of 2006.

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Sixty-first session
Agenda item 109
Implementation of the resolutions of the United Nations

Letter dated 28 September 2006 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

At the just-concluded general debate of the sixty-first session of the General Assembly, a very few countries once again raised the so-called issues of "Taiwan's representation in the United Nations" and "peace in the Taiwan Straits". We strongly condemn and firmly oppose such an act of brazenly using the forum of the United Nations to grossly encroach on China's internal affairs. I have been instructed to solemnly state China's position as follows:

1. There is only one China in the world and Taiwan has been an inseparable part of China's territory since antiquity. China's sovereignty and territorial integrity brook no division. The one-China principle has been recognized by the overwhelming majority of the Member States of the United Nations and the international community as well. This is an objective fact nobody can change.

The issue of China's representation in the United Nations has long been solved once and for all. In 1971, the General Assembly at its twenty-sixth session adopted, by an overwhelming majority, the historic resolution 2758 (XXVI), which stipulated unequivocally that the representatives of the Government of the People's Republic of China are the only legitimate representatives of China to the United Nations. Since Taiwan is part of China's territory, China's representation in the United Nations naturally covers Taiwan. There is simply no such thing as the so-called issue of "Taiwan's representation in the United Nations". The United Nations is an intergovernmental organization composed of sovereign States. As a part of China, Taiwan is not eligible to participate, in whatever name and under whatever pretext, in the United Nations and its specialized agencies. Thus the General Committee of the sixty-first session of the General Assembly has once again rejected the inclusion of this issue and the issue of so-called "peace in the Taiwan Straits" in the agenda of the General Assembly on 12 September of this year. This has once again reflected the aspiration and determination of the vast number of Member States to safeguard the purposes of the Charter of the United Nations and resolution 2758 (XXVI).

2. The Chinese Government has consistently advocated and adhered to the fundamental principle of "peaceful reunification and one country, two systems" and "the Eight-point Proposition on the Development of Cross-Straits Relations and the Promotion of the Peaceful Reunification of the Motherland". Since the beginning of last year, the Chinese Government has taken a series of important steps to further

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promote cross-Straits exchanges and cooperation and achieve peaceful and stable development of cross-Straits relations. In April of this year, "the Cross-Straits Forum on Economic and Trade Affairs" was held successfully in Beijing. Chinese President Hu Jintao set forth a four-point guideline on enhancing peaceful development of cross-Straits relations, including adherence to the "1992 Consensus", bringing more specific benefits to the compatriots on both sides of the Straits, reinforcing mutually beneficial and win-win exchanges and cooperation and conducting consultations on an equal footing. We have announced policies and measures on how to further strengthen cross-Straits exchanges and cooperation and improve the well-being of the Taiwan compatriots, which have produced positive impacts on the promotion of peaceful and stable development of cross-Straits relations. These policies and measures have been warmly acclaimed by the Taiwan compatriots and widely approved by the international community. It has been amply proved that the entire Chinese people, including the compatriots across the Straits, ardently favour increasing cross-Straits exchanges, jointly maintaining peace and stability across the Taiwan Straits and generating benefits to people on both sides of the Straits.

3. Over the past year, thanks to the joint efforts of the compatriots on both sides of the Straits, the situation in the Taiwan Straits has witnessed more positive elements in curbing the secessionist activities for "Taiwan independence", and cross-Straits relations have gained momentum towards peace and stability. However, the Taiwan authorities have obstinately acted against the aspirations of the people on both sides of the Straits, stuck to their secessionist position for "Taiwan independence", tried their utmost to disrupt and damage the development of cross-Straits relations and accelerated their secessionist activities in the world in an attempt to create "one country on each side" and "one China, one Taiwan". Since the beginning of this year, Chen Shui-bien has once again dished out a set of well-planned proposals for "Taiwan independence", brazenly announced his decision to cease the functioning of the "National Unification Council" and cease the application of the "National Unification Guidelines", and speeded up his efforts to push for "de jure Taiwan independence" through "constitutional re-engineering". The root cause for the tension in the Taiwan Straits has yet to be removed, and the secessionist activities for "Taiwan independence" remain the biggest obstacle to cross-Straits relations. If not curbed in time, they will cause serious tension in cross-Straits relations and threaten peace and stability in the Asia-Pacific region. We resolutely oppose "Taiwan independence" and will not tolerate "Taiwan independence" secessionists to split Taiwan away from China in any name and by any means.

Safeguarding State sovereignty and territorial integrity and realizing complete national reunification at an early date is the common aspiration and strong will of the 1.3 billion Chinese people, including our Taiwan compatriots. Nobody nor any force can change or stop it.

I have the honour to request that the present letter be circulated as a document of the sixty-first session of the General Assembly, under agenda item 109.

(*Signed*) **Wang** Guangya
Ambassador Extraordinary and Plenipotentiary
and Permanent Representative of the
People's Republic of China to the United Nations

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Sixty-first session
Agenda item 117
Programme budget for the biennium 2006-2007

Information and communication technology security, business continuity and disaster recovery

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The General Assembly requested the Secretary-General to submit to it at its sixtieth session the results of the technical study on information and communication technology security, business continuity and disaster recovery, with detailed costing and a timetable (resolution 59/276, sect. XI, para. 47). In his note of 24 August 2006 (A/61/290), the Secretary-General proposed that the technical study be integrated with the ongoing analysis of the infrastructure improvements linked to the implementation of the enterprise resource planning undertaken pursuant to section II of resolution 60/283 and to submit a comprehensive report to the Assembly at the resumed part of its sixty-first session.

2. **The Advisory Committee recommends that the General Assembly take note of the Secretary-General's submission.**

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Sixty-first session
Agenda item 117
Programme budget for the biennium 2006-2007

Identification of additional resources for the Development Account

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the identification of additional resources for the Development Account (A/61/282). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The report of the Secretary-General is submitted pursuant to paragraph 14 of resolution 60/246, in which the General Assembly requested the Secretary-General to provide recommendations at its sixty-first session on how additional resources in the region of $5 million could be added to the Development Account.

3. The report of the Secretary-General provided background information on the evolution of the Development Account since its inception and summarized the measures taken in establishing its current level of funding and established procedure for identification and transfer of savings to the Development Account (see paras. 1-12). The Committee notes from paragraph 7 of the report that the characterization of the initial indicative target of cumulative savings of some $200 million for the Development Account as "overambitious" has been borne out. Section IV of the report further addresses the possibility of identifying and transferring savings through two different methods summarized in paragraph 14; section V refers to experience in the identification of savings.

4. Regarding the possibility of identifying and transferring savings, the Secretary-General indicates that "it is difficult to distinguish between savings generated by improved productivity on the one hand, and budget reductions resulting from cost avoidance and changes in programme implementation [on the other]". The Secretary-General also indicated that resources released from the discontinuation of some outputs and from efficiency savings, if any, in view of General Assembly legislative constraints, are redirected by programme managers to

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priority programmes of work or towards new mandates instead of proposing additional funding; thus they are not available for transfer to the Development Account (see A/61/282, paras. 9 and 15). Moreover, in the view of the Secretary-General, even if a cost accounting system were in place, programme managers, presented with indicative efficiency savings, would still tend to retain them in order to meet additional mandates and workloads rather than surrender them to the Development Account. In that context, the Secretary-General indicated that the issue of transferring additional funds to the Development Account is therefore subject to the priority assigned to the need for such in the light of all other demands for funds (ibid., para. 16).

5. In paragraph 17 of the report, the Secretary-General indicated the possibility of "suspending the provisions of financial regulations 5.3 and 5.4 in respect of any surpluses (unencumbered balances) under the regular budget arising at the end of a financial period for the purpose of transferring a share of such funds to the Development Account". **In the opinion of the Committee, it would be for the General Assembly to decide, as a matter of policy, whether to deviate from the full application of the financial regulations for the purposes of retaining funds to augment the Development Account.**

6. The Committee notes that in its resolution 60/246, the General Assembly also requested that the Development Account be recosted for the biennium 2006-2007. As indicated in paragraph 21 of the Secretary-General's report, the results have led to an initial appropriation of $13,954,100, as compared with $13,065,000 in previous bienniums — an increase of $889,100. The Committee was informed that the recosting took into account annual prevailing rates of inflation of 3.2 per cent for 2005 and 3.5 per cent for 2006, resulting in increments of $418,000 and $471,100, respectively. **The Committee points out that the recosting of the Development Account was a one-time exercise approved by the General Assembly; any decision to continue beyond the current biennium would therefore require further decision by the General Assembly.**

United Nations A/61/480

General Assembly

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Sixty-first session
Agenda item 117
Programme budget for the biennium 2006-2007

Contingent liability reserve for the United Nations Postal Administration

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee has considered the report of the Secretary-General on the contingent liability reserve for the United Nations Postal Administration (A/61/295). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The report of the Secretary-General is submitted further to General Assembly resolution 57/292, section VI, the second performance report of the Secretary-General on the programme budget for the biennium 2002-2003 (A/58/558/Add.1) and the observations and recommendations in the report of the Advisory Committee (A/58/604, paras. 15-21), as they relate to the review of the United Nations Postal Administration (UNPA); as well as the comments of the Secretary-General and the United Nations Chief Executives Board for Coordination on the report of the Joint Inspection Unit on the revenue-producing activities of the United Nations system (see A/57/707 and Add.1).

3. The Advisory Committee notes from the Secretary-General's report (A/61/295) that over the past 20 years UNPA has paid an average of 12.2 per cent of its income of $249.2 million for the period to the respective postal services where it operates (United States of America, Switzerland and Austria) for mailing, and that the other 87.8 per cent could constitute a contingent liability in view of the theoretical possibility that remaining sold stamps would be presented for mailing at any given time. At present, no provision exists to meet such liability.

4. In view of recommendations made by the Board of Auditors and the Office of Internal Oversight Services, the Secretary-General is proposing that the General Assembly establish a reserve, to be funded from UNPA net income, to provide for contingent liabilities for the provision of postal services. The Advisory Committee recalls that the Secretary-General made this recommendation in the context of the

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review of the United Nations Postal Administration (see A/58/558/Add.1). The Committee, at the time, noting the ongoing negotiations between UNPA and the postal authorities where UNPA operates, which could have an impact on the contingent liability, suggested current arrangements for accounting for the sale of United Nations stamps be continued; it also noted that the size of such a reserve fund had not been determined accurately (see A/58/604, paras. 18 and 20-21).

5. The report of the Secretary-General refers to efforts of UNPA to restrict bulk mailing and to obtain benchmarking data from other postal services regarding financial provisions made for contingent liabilities (A/61/295, paras. 6-7). The Secretary-General is proposing to establish the level of the reserve to provide for contingent liabilities for previously issued stamps at $3.3 million, on the basis of the bulk mailing costs for 2005 (which amounted to $330,897), for a period of 10 years (A/61/295, paras. 6 and 9). The reserve would be financed from the net income achieved by UNPA until it reaches the level of $3.3 million.

6. The Advisory Committee notes that UNPA achieved a net income of $2.1 million for the biennium 2004-2005 and is expecting to show a profit again in the biennium 2006-2007, after incurring losses in the previous two bienniums. The Committee requested information on income and expenditure for UNPA for the biennium 2004-2005 (see annex). The Committee was informed that the turnaround is attributed to cost-cutting efforts, changes in operations and the introduction of new products. It is evident from the information provided in the annex that 69.5 per cent of the net income is spent on salaries and common staff costs and travel costs.

7. The proposal, if accepted, would require an exception to regulation 3.14 and rule 103.7 of the Financial Regulations and Rules of the United Nations, which specify, respectively, that "moneys accepted in respect of which no purpose is specified shall be treated as miscellaneous income and reported as gifts in the accounts of the financial period" and that "proceeds from revenue-producing activities and from the rental of United Nations office space shall be credited as miscellaneous income" (A/61/295, para. 3).

8. **The Advisory Committee sees merit in the Secretary-General's proposal to establish a reserve for contingent liabilities for postal services for previously issued UNPA stamps, as recommended by the Board of Auditors and the Office of Internal Oversight Services, to be gradually built up by transferring the balance of the net income of postal services until a ceiling level of $3.3 million is reached. In order to reach the target of $3.3 million, it would be prudent to consider further streamlining UNPA operations, if possible, and providing requisite service with even greater efficiency.**

Annex

United Nations Postal Administration: statement of income and expenditure for the biennium ending 31 December 2005

(United States dollars)

	United Nations Headquarters	*Europe*	*Total*
Income			
Sales and other income	7 093 956.72	7 021 682.12	14 115 638.84
Less: cost of goods sold	1 563 860.01	18 688.58	1 582 548.59
Net income from sales	**5 530 096.71**	**7 002 993.54**	**12 533 090.25**
Expenditures			
Salaries and common staff costs	4 807 541.78	3 810 263.36	8 617 805.14
Travel	33 917.00	57 700.00	91 617.00
Contractual services	—	4 067.55	4 067.55
Operating expenses	582 066.60	397 352.83	979 419.43
Acquisitions	108 841.61	14 591.36	123 432.97
Promotions	371 852.01	230 047.11	601 899.12
Total expenditures	**5 904 219.00**	**4 514 022.21**	**10 418 241.21**
Net income (loss)	**(374 122.29)**	**2 488 971.33**	**2 114 849.04**

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Security Council

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General Assembly
Sixty-first session
Agenda item 13
The situation in the Middle East

Security Council
Sixty-first year

Identical letters dated 29 September 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On the instructions of my Government, I transmit to you herewith a list of Israeli acts of aggression against Lebanon that took place between 27 and 28 September 2006 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

06-54579 (E) 031006 031006

Annex to the identical letters dated 29 September 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations and acts of aggression against Lebanon from 0800 hours on 27 September 2006 to 0800 hours on 28 September 2006

From 0800 hours on 27 September 2006 to 0800 hours on 28 September 2006, despite the United Nations Security Council resolution calling for a cessation of hostilities as of 0800 hours on 14 August 2006, acts of aggression and air, land and sea violations by the Israeli enemy continued.

Air violations

There was one air violation by enemy Israeli warplanes reported:

Four Israeli warplanes violated Lebanese airspace over the Shab'a farmlands in a northerly direction and circled over areas of the western Bekaa. Then they headed west as far as Al-Damour and circled over regions of the South. After that they headed towards Chekka and Tripoli. They then headed towards the northern Bekaa and circled over all Lebanese regions. They left Lebanese airspace at 1400 hours over Aalma al-Chaab.

Land violations

At 0800 hours, enemy Israeli forces engaged in installation of a four-metre-high technical border fence along the eastern and northern borders of the Lebanese part of Ghajar.

Between 0815 hours and 1620 hours on the outskirts of the town of Aaita al-Chaab in the Khallet Ouarde area (about 10 metres from the Blue Line), a Poclain excavator and a bulldozer belonging to the enemy Israeli forces bulldozed earth and moved it into occupied Palestinian territory through the gate at the aforementioned area.

Sea violations

On 28 September 2006 at 0615 hours, an enemy Israeli military launch fired several bursts of medium-machine-gun fire from the open sea in Palestinian regional waters off Ras al-Naqoura in the direction of a fishing vessel.

Injuries resulting from mines, cluster bombs and unexploded ordnance

At 1145 hours in Qaaqaiet al-Jisr, while Nazha Sallama was picking citrus fruit, a cluster bomb left behind by the Israeli aggression exploded, resulting in minor injury to his hand.

At 1210 hours in Souane in the Sahl Al-Jarran area, a number of cluster bombs left behind by the Israeli aggression exploded, resulting in the death of a youth, Muhammad Sultan (14 years old), and multiple injuries to Hussam Hamud, Abbas Sultan, and his brother Husayn.

At 1430 hours in Hanaouay in the Al-Nassar area, a cluster bomb left behind in a landfill by the Israeli aggression exploded, resulting in multiple injuries to Munsif Mustafa.

At 1630 hours on the outskirts of the town of Tair Debba, while Hasan Zayyat was herding livestock, a cluster bomb left behind by the Israeli aggression exploded, resulting in multiple injuries to him.

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Security Council

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The situation in the Middle East

Security Council
Sixty-first year

Identical letters dated 2 October 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and to the President of the Security Council

On the instructions of my Government, I transmit to you herewith a list of Israeli acts of aggression against Lebanon that took place between 28 and 29 September 2006 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-first session of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

06-54676 (E) 031006 031006

Annex to the identical letters dated 2 October 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and to the President of the Security Council

Israeli violations and acts of aggression against Lebanon from 0800 hours on 28 September 2006 to 0800 hours on 29 September 2006

Air violations

There were three air violations by enemy Israeli warplanes and reconnaissance aircraft reported:

At 1105 hours, a reconnaissance aircraft violated Lebanese airspace over Rmaich in a northerly direction and circled over the southern areas. It left Lebanese airspace at 1400 hours over Aalma al-Chaab.

At 1200 hours, two warplanes violated Lebanese airspace over Shab'a farmlands in a northerly direction and circled over the Dahr al-Baidar, South, Beirut and Jounie regions. They left Lebanese airspace at 1246 hours over Al-Naqoura.

At 1728 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre in an easterly direction and circled over the southern areas. It left Lebanese airspace at 2223 hours over Al-Naqoura.

Land violations

At 1415 hours in Marouahine, an enemy Israeli forces group consisting of three tanks and a Hummer jeep advanced and set up a roadblock at the Marouahine-Tarbikha-Ramiye triangle. They proceeded to check the identity papers of passers-by. They left at 1510 hours.

Injuries resulting from mines, cluster bombs and unexploded ordnance

At 1000 hours in the town of Al-Qlaiaa/Marjaayoun, while Dawud Marun was working in his field, a cluster bomb exploded near him, resulting in injury to his left foot and the severing of one of his fingers (his condition is not serious).

At 1530 hours in the town of Rmaich, while a Corps of Engineers patrol was working on removing an 81 mm (phosphorus) mortar shell that was stuck in the ground, it ignited, resulting in second degree burns to Private Faraj 'Awad (S-606) in his right palm. He was treated by the Red Cross in the town and moved to a medical facility at the Tyre base.

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Agenda item 110
Revitalization of the work of the General Assembly

Revitalization of the work of the General Assembly

Report of the Secretary-General

Summary

The present report has been prepared in compliance with paragraph 3 of resolution 58/316, paragraph 19 of resolution 59/313 and paragraph 30 of the annex to resolution 60/286. The report is organized under sections according to topics and provides an overview of the status of implementation of General Assembly resolutions relating to the revitalization of its work, with a particular focus on the three resolutions adopted by the Assembly at its fifty-eighth and fifty-ninth sessions. In terms of both structure and content, it also parallels closely the areas and issues examined by the Open-ended Ad Hoc Working Group on the Revitalization of the General Assembly in the course of the sixtieth session. It is followed by an annex that provides fuller detail on earlier resolutions and the implementation by the Secretariat of measures contained in them that relate directly to it and its work. An addendum to the present report, covering further measures taken to implement the provisions of resolution 60/286, will be issued, as appropriate, during the sixty-first session.

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06-55134

I. Introduction

1. The revitalization of the General Assembly has been examined by the Assembly at length and in depth in the course of the last 15 sessions. Moreover, even before it was addressed as such, many measures were adopted during the early years of the Organization to improve the efficiency and effectiveness of the Assembly. The item on revitalization has been included in the agenda of the Assembly since its forty-sixth session in 1991. Subsequently, it has considered this item regularly and has adopted important annual resolutions on the subject.

2. In the 2005 World Summit Outcome (resolution 60/1), Member States reaffirmed the central position of the General Assembly as the chief deliberative, policymaking and representative organ of the United Nations, as well as the role of the Assembly in the process of standard-setting and the codification of international law. Heads of State and Government welcomed the measures adopted by the Assembly with a view to strengthening its role and authority and the role and leadership of the President of the Assembly and, to that end, called for their full and speedy implementation.

3. In its resolution 58/316, entitled "Further measures for the revitalization of the work of the General Assembly", the Assembly requested the Secretary-General to submit a report on all aspects of the implementation of resolutions 58/126 and 58/316 to the Assembly at its sixtieth session. It also requested the Secretary-General, in its resolution 59/313, entitled "A strengthened and revitalized General Assembly", to submit a status report to the Assembly at its sixtieth session on the implementation of all resolutions regarding the revitalization of its work, including resolutions 58/126, 58/316 and 59/313. Moreover, recalling those requests, the Assembly, in paragraph 30 of the annex to its resolution 60/286, additionally requested the Secretary-General to submit the status report with a factual chart on the implementation of all resolutions regarding the revitalization of its work.

4. The present report has been prepared in compliance with those requests and has been organized under sections according to topics related to the revitalization of the work of the General Assembly, reflecting also the structure and substance of issues examined in the course of the sixtieth session by the Open-ended Ad Hoc Working Group on the Revitalization of the General Assembly. It is followed by an annex that provides fuller detail on earlier resolutions and the implementation by the Secretariat of measures contained in them that relate directly to it and its work. An addendum to the present report, covering measures taken to implement the provisions of resolution 60/286, will be issued, as appropriate, during the sixty-first session.

II. Enhancing the authority and role of the General Assembly

5. The authority of the General Assembly derives from its status as the chief deliberative, policymaking and representative organ of the United Nations, which has been further underpinned by the holding of the 2005 World Summit — the largest gathering of Heads of State and Government in history. In addition, the Assembly's role has gained considerably through the ensuing follow-up process. There are nearly a dozen areas in which it has now convened informal consultations, from management, development, the environment and terrorism to the institutional

reform of the Secretariat, the Economic and Social Council and the Security Council. Furthermore, in the course of the sixtieth session alone, the Assembly established the Peacebuilding Commission and the Human Rights Council. These are just some of the successes achieved thus far in the implementation of the World Summit Outcome document, and revitalization of the Assembly, though dating back for a much longer time, is also being discussed within this context.

6. Indeed, since the early 1990s, the General Assembly has adopted several resolutions aimed at enhancing its authority and role of the Assembly by touching upon one or several of the aspects covered in the present report (e.g. resolutions 46/77, 47/233, 48/264, 51/193, 51/241, 55/285 and 57/300). At its fifty-eighth and fifty-ninth sessions, the Assembly adopted three landmark resolutions on the revitalization of its work (resolutions 58/126, 58/316 and 59/313). As a result of those resolutions, and in addition to the central role it has played in the follow-up and implementation of the Outcome document, the Assembly's role and authority have been further underlined and accentuated.

7. Moreover, the President-elect, as of the sixtieth session of the General Assembly, now suggests an issue or issues of global concern upon which Member States will be invited to comment during the forthcoming general debate. The President-elect for the sixtieth session suggested the theme "Follow-up and implementation of the Summit outcome" for that session, which followed immediately the conclusion of the World Summit of 2005 and provided an important opportunity for delegations to express their views on the Outcome document and the way forward on its implementation. The President-elect of the sixty-first session put forward "Implementing a Global Partnership for Development" as the suggested theme.

8. For example, the President of the General Assembly now meets periodically with the Presidents of the Security Council and the Economic and Social Council, with a view to ensuring increased cooperation, coordination and complementarity of the work programmes of the three organs. In addition, the Presidents of the Assembly, since the adoption of resolution 58/126, have regularly informed the membership of the briefings held with the Presidents of the Economic and Social Council and the Security Council, thereby further strengthening the coordination among those organs. The President of the Assembly also continues to be briefed regularly by the President of the Security Council on the work of the Council.

9. In the annex to its resolution 58/126, the General Assembly decided that the Security Council is invited to submit periodically special subject-oriented reports to the Assembly on issues of current international concern and to continue with initiatives to improve the quality of its annual report. In its resolution 59/313, it also decided to consider the annual reports and special reports of the Council through substantive and interactive debates. Since the adoption of resolution 58/126, the Council twice submitted its annual report to the Assembly. Those reports were considered by the Assembly at its fifty-ninth and sixtieth sessions, from 11 to 13 October 2004 and on 10 and 11 November 2005, respectively, and the Council continues to consider ways to further improve the quality of its reports to the Assembly.

10. A further step envisaged by the General Assembly in the annex to its resolution 58/126, harking back to resolution 51/241, was to ask the President to inform the Assembly of the need for further consideration of the Security Council report,

including through the convening of informal consultations. To date, the Assembly has been able to consider and address the Council report in the time frame allotted.

11. With regard to publicizing the work and decisions of the General Assembly, the Assembly requested that a plan for the intensification and strengthening of the support provided by the Department of Public Information be presented to the Committee on Information. In line with that request, the report of the Secretary-General to the Committee (A/AC.198/2004/6) described the activities of the Department to publicize the work and decisions of the Assembly as well as recommendations for their further development. Those recommendations were taken up by the Assembly at its fifty-ninth session, and in its resolution 59/126 B, the Assembly welcomed the Department's recommendations, encouraged the Department to establish a closer working relationship with the Office of the President of the General Assembly and requested a further report on those matters to the next session of the Committee on Information (see A/AC.198/2005/2, para. 18). In turn, the Assembly, at its sixtieth session, noted with appreciation the efforts of the Department and encouraged it to further strengthen its working relationship with the Office of the President of the General Assembly (see resolution 60/109 B).

12. Furthermore, the General Assembly decided that Member States and the Secretariat should consider initiatives that might be taken for better monitoring the follow-up of Assembly resolutions, such as the provision of timely inputs for reports of the Secretary-General and giving effect to proposals that would advance the follow-up of major United Nations conferences and summits. Those issues continue to be considered in the realm of the revitalization of the Assembly, underlining their continuing relevance.

13. In its resolution 59/313, the General Assembly stressed the need to demonstrate political will to ensure the effective implementation of its resolutions and decided to convene and organize major thematic debates in order to establish broad international understanding on current substantive issues of importance to Member States. The Assembly also decided to discuss issues pertaining to the maintenance of international peace and security in accordance with the Charter, where appropriate, using the procedures set forth in rules 7, 8, 9 and 10 of the rules of procedure of the Assembly. In that regard, neither special sessions nor emergency special sessions have been summoned since the adoption of resolution 59/313.

14. During the sixtieth session, the Open-ended Ad Hoc Working Group on the Revitalization of the General Assembly also addressed issues surrounding the selection of the Secretary-General in Cluster II of the annex to resolution 60/286. In paragraph 18 of the annex, the Assembly emphasized the need for the process of selection of the Secretary-General to be inclusive to all Member States and made more transparent and, in this regard, in paragraph 20, it encouraged formal presentation of candidatures for the position of Secretary-General in a manner that allows sufficient time for interaction with Member States and requested candidates to present their views to all States Members of the Assembly. In agreeing upon those steps, delegations expressed the hope that they would facilitate the transparency and outcome of the selection process. That positive step by the Assembly is a concrete example of the ongoing efforts to revitalize itself through the further enhancement of its role and authority.

III. Improving the working methods of the General Assembly

15. Much has also been achieved in the improvement of the working methods of the General Assembly. For example, the President is now elected several months in advance of the opening of the session, as are the chairpersons of the Main Committees and their full bureaux. During the main part of Assembly sessions, meetings of the plenary are normally held on Mondays and Thursdays. The websites of the Main Committees have been enhanced and are regularly updated by the relevant secretariats. The rules of procedure of the Assembly, whose issuance the Assembly requested in a consolidated version in all official languages in print and online, will be made available on the United Nations website and in hard copy during the sixty-first session. Furthermore, in paragraph 24 of the annex to its resolution 60/286, the Assembly requested the Office of Legal Affairs to make precedents and past practice available in the public domain with respect to rules and practices of the intergovernmental bodies of the Organization. That document will be made available in the course of the sixty-first session.

16. Other measures that have been implemented include the utilization by the Main Committees of the practice of interactive debates, panel discussions and question time so as to enhance informal, in-depth discussions and to bring together experts from various fields. Those practices, inter alia, have enabled a dynamic and candid exchange with heads of departments and offices, representatives of the Secretary-General and special rapporteurs, thereby adding to the deliberations and decision-making processes in the Main Committees.

17. With a view to ensuring the continuity and the effective organization of the work of the Main Committees, their bureaux-elect now meet immediately after their election to discuss the organization and division of their work. Moreover, with a view to better harnessing the institutional memory acquired by the chairpersons and the bureaux of the Main Committees, the incoming bureaux also meet with the outgoing bureaux in order to consult on and review issues relating to the efficient functioning of the Main Committees. Where such meetings have taken place, they have proven to be of value to the work of the respective Committees. In fact, they have proven to be particularly useful and effective as a means of transmitting and reporting on the observations and lessons learned that outgoing Committee chairpersons were requested to provide their successors.

18. In addition, a number of measures the General Assembly decided upon require implementation by the Member States themselves. They include the request to draft more concise, focused and action-oriented resolutions and decisions, that preambular paragraphs in resolutions should normally be kept to the minimum, that time limits on speeches in the plenary as well as in the Main Committees should be applied and that Member States aligned with statements already made by the chairperson of a group of Member States should focus additional interventions on points that have not already been adequately addressed in the statements of the group in question.

19. Some measures brought up in the course of the discussions on the improvement of the working methods of the General Assembly remain to be decided. In its resolution 58/126, for example, the Assembly stated that the work of the Main Committees might benefit if it was scheduled over two substantive periods during the session. With a view to enabling the Assembly to consider changes in that

regard, various options were presented for consideration by the General Committee, taking into account the requirements of the relevant intergovernmental bodies and the different locations of their meetings and the budget cycle (see A/58/CRP.3). The General Committee then held open-ended discussions on those options and the Assembly decided that the consideration of that subject would be deferred until its fifty-ninth session. Member States, however, have not taken any further action on the matter.

20. The General Assembly also noted that its Main Committees had different practices and working methods and requested, with a view to identifying best practices and working methods, the submission of a historical and analytical note on the practices and working methods of the Committees. That note (A/58/CRP.5) was submitted and discussed in open-ended discussions of the General Committee. However, the Committee has not yet made any further recommendations in that regard to the plenary.

21. Regarding the conduct of elections in the General Assembly, the Assembly, in its resolution 59/313, recommended the consideration of the use of optical scanners as a means of expediting the counting of votes cast through secret ballots, taking due account of the security requirements in that regard and the credibility, reliability and confidentiality of such means, and requested the Secretary-General to submit a report on the modalities thereof to the Assembly through the Committee on Conferences. Several options have now been examined and, once all the results have been compiled, taking into account the criteria listed by Member States, a study will be presented to the Committee on Conferences during the current session.

IV. Agenda

22. The agenda of the General Assembly reflects its working programme and the scope of its activity. From the early years, the multitude of items on the agenda testified to the variety of issues of concern to the United Nations. The number of items has grown steadily and further underlines the body's responsiveness to global events as well as its relevancy. At the same time, the increasing number of items has reduced the actual amount of time available to focus on any particular issue. And while items continue to be included on an annual basis, rarely are any eliminated.

23. Rationalizing and streamlining the agenda of the General Assembly in order to focus its work on priority issues has been a subject of debate for many years. In the annex to its resolution 55/285, the Assembly decided to cluster all cooperation items on its agenda and to biennialize its consideration in the form of a joint debate. In operative paragraph 4 (l) of the annex to its resolution 58/316, the Assembly decided to consolidate the 18 reports theretofore submitted on cooperation into a single report. In both resolutions, the Assembly decided to biennialize and triennialize a number of other items as well.

24. At its fifty-eighth session, with a view to better conceptualizing the content of its agenda, the General Assembly requested an illustrative agenda of the Assembly, organized around the priorities of the Organization. The illustrative agenda is contained in a note by the Secretariat (A/58/CRP.4). The General Committee held open-ended discussions on the note, leading to the decision of the Assembly to organize the agenda under headings for the purpose of giving a sense of structure to its work, thus achieving a better presentation of the issues and challenges with

which it deals and making its work more accessible. At the fifty-ninth and sixtieth sessions, the General Committee made recommendations on the placement of agenda items under those headings and the agenda of the Assembly has since been arranged under them. In accordance with resolution 58/316, those provisions shall be reviewed by the Assembly at its sixty-first session with a view to making further improvements, as appropriate.

25. In the annex to its resolution 58/126, the General Assembly also stated that it would be advantageous to have a shorter agenda to ensure the fullest discussion of all issues, so that its decisions might have greater impact. Having reviewed the note by the Secretariat entitled "Analysis of the agenda of the General Assembly" (A/58/CRP.6), which provides factual information on the frequency of consideration, origin and history of action on the 333 items and sub-items on the agenda, and having taken into account the views expressed by Member States, the Assembly decided, in the annex to its resolution 58/316, that a number of items and sub-items should be eliminated, biennialized, triennialized, should remain on the agenda for consideration upon notification by a Member State, should be allocated to one of the Main Committees, or should be considered in their entirety in plenary. The Assembly also decided that each Main Committee should give specific attention to the rationalization of its future agendas by the biennialization, triennialization, clustering and elimination of items.

26. Those adjustments took effect beginning with the fifty-ninth session. The General Assembly continues to monitor the effects of the adjustments and to make efforts to streamline the agenda of the plenary further.

V. General Committee

27. At its fifty-eighth session, taking up earlier provisions, the General Assembly stated that the General Committee should continue to consider ways and means to further improve its working methods to increase its efficiency and effectiveness and should play the leading role in advising the Assembly on the efficient organization, coordination and management of its work.

28. The General Committee now meets regularly throughout the session with the bureaux of the Main Committees to review the progress of the work of those Committees and to make recommendations for furthering that progress. The General Committee also conducts a review, in July of each year, of the proposed programme of work for the forthcoming session of the General Assembly and submits recommendations on the matter to the forthcoming Assembly (see A/58/864 and A/59/860 and Add.1).

29. On the basis of proposals from the President, the General Committee convened four informal topical briefings open to all Member States at the fifty-ninth session (by the Special Adviser on Africa; the Special Representative for children and armed conflict; the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; and the Under-Secretary-General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States), which provided Member States an opportunity to engage in a direct exchange on topical issues on the agenda of the Assembly with high-level officials of the Organization.

30. In light of the late date of the adoption of resolution 59/313 and the ensuing workload following the World Summit 2005, the General Committee did not recommend to the General Assembly, at the beginning of the sixtieth session, a programme of interactive debates on the items on the agenda of the Assembly.

VI. President of the General Assembly

31. The role of the President of the General Assembly has been touched upon in a number of the revitalization resolutions adopted by the Assembly (e.g. resolutions 46/77, 51/24 and 55/285). At its fifty-eighth session, the Assembly stated that the resources available to the Office of the President in personnel and other support should be augmented. Moreover, transitional office accommodation should be provided to the President-elect of the Assembly, beginning with the President-elect of the fifty-ninth session. Those provisions have been fully implemented. In connection with those requests, the Office of the President has been increased by five posts and transitional office accommodation has been arranged for and is now being provided to the Presidents-elect.

32. At its fifty-ninth session, the General Assembly reiterated its decision to augment the resources available to the Office of the President from within existing resources, subject to consideration by the Assembly of the proposed programme budget for the biennium 2006-2007, to provide for two further additional posts at management and senior levels to be filled on an annual basis following consultations with the incoming President, beginning at the sixtieth session of the Assembly. In paragraph 10 of the annex to its resolution 60/286, the Assembly took note of that request as well as paragraph 9 of its resolution 60/246, by which those posts were made available to the Office of the President of the Assembly, within the programme budget for the biennium 2006-2007, as part of the effort to strengthen the Office.

33. The General Assembly, also at the fifty-ninth session, decided to strengthen the role and leadership of the President by authorizing him or her to propose, in consultation with Member States, interactive debates on current issues on the Assembly's agenda. In light of the full schedule and exigencies posed by the follow-up and implementation process of the World Summit Outcome document, the President of the Assembly at its sixtieth session decided not to propose to hold an interactive debate at that session.

VII. Documentation

34. As was pointed out in the report of the Secretary-General on the review of mandates (A/60/733), the quantity of the reports requested often obscures their quality and impact, overwhelming the Member States and overburdening the Secretariat. Already at its forty-eighth session, the General Assembly, in its resolution 48/264, encouraged Member States to exercise restraint in making proposals requesting new reports of the Secretary-General, bearing in mind the desirability of reducing the number of such reports. Moreover, in the annex to its resolution 51/241, reaffirmed by the annex to its resolution 55/285, the Assembly plainly stated that the number of reports requested should be rationalized where possible so as to permit more focused consideration of issues.

35. At its fifty-eighth session, the General Assembly noted that the heavy volume of documentation submitted to the Assembly for its consideration should be reduced. It requested the presentation of further proposals to Member States for the consolidation of reports on related subjects in accordance with the provisions of paragraph 20 of its resolution 57/300 (i.e. in consultation, at the end of the main part of each session, with the President of the Assembly and the Chairmen of the Main Committees (see resolutions 58/126, annex, 58/316, annex, and 59/313)) for the consideration of the General Committee. There has been limited success in that respect. In paragraph 29 of the annex to its resolution 60/286, the Assembly requested the Secretary-General to implement further the measures set out in paragraph 20 of its resolution 57/300 and in paragraph 6 of the annex to its resolution 58/316 on documentation.

36. In its resolution 59/313, the General Assembly also encouraged Member States, when seeking additional information, to request that they be provided with the information either orally or, if in writing, in the form of information sheets, annexes, tables and the like, and encouraged the wider use of that practice.

VIII. Open-ended Ad Hoc Working Group established by resolution 59/313

37. At the end of its fifty-ninth session, the General Assembly decided to establish an ad hoc working group open to all Member States with the objective of identifying ways to further enhance the role, authority, effectiveness and efficiency of the Assembly, inter alia, by building on its relevant resolutions and reviewing its agenda and working methods. The scope of the Open-ended Ad Hoc Working Group therefore was comprehensive, covering all the subjects covered in the present report.

38. By the same resolution, the General Assembly also requested the Open-ended Ad Hoc Working Group to submit a report of its own with specific recommendations to the Assembly at its sixtieth session.

39. The President of the General Assembly at its sixtieth session invited the Permanent Representatives of Latvia and Yemen to co-chair the Open-ended Ad Hoc Working Group. The Working Group held 12 meetings (on 16 February, 3, 16 and 29 March, 6, 19 and 26 April, 6 and 29 June, 21 July, and 1 and 5 September 2006). The drafting group, which was established by the co-Chairpersons to continue negotiations on the draft resolution on the Assembly's revitalization, met on 26, 28 and 31 July, and 3 and 8 August 2006 under the chairmanship of Mexico; on 22, 23 and 25 August 2006 under the chairmanship of New Zealand; and on 1 and 5 September 2006 under the chairmanship of Canada. Following the conclusion of the drafting group's deliberations, the Working Group adopted its report and draft resolution on 5 September 2006. At its 99th plenary meeting, the Assembly adopted its resolution 60/286 on the revitalization of the General Assembly, which contains, in the annex, the resolution adopted by the Working Group.

Annex

Factual chart on the implementation by the Secretariat of the relevant provisions of resolutions 58/126, 58/316, 59/313 and 60/286 on the revitalization of the work of the General Assembly

A. Resolution 58/126 of 19 December 2003

Annex A: Enhancing the authority and role of the General Assembly	Status of implementation
The work and decisions of the General Assembly should be better publicized. Accordingly, the support provided by the Department of Public Information of the Secretariat for these purposes should be intensified and strengthened. The Secretary-General is requested to present a plan to this end, within existing resources, to the next session of the Committee on Information, so that recommendations can be made to the Assembly (para. 8).	A plan was presented by the Secretary-General to the Committee on Information at its twenty-sixth session (see A/AC.198/2004/6; see also resolutions 59/126 B and 60/286, annex para. 14).
Member States and the Secretariat should consider initiatives that might be taken for better monitoring of the follow-up of resolutions of the General Assembly, such as the provision of timely inputs for reports of the Secretary-General and giving effect to proposals that would advance the follow-up of major United Nations conferences and summits (para. 9).	Communications from the Secretary-General have been sent to Member Sates on an ongoing basis to ask for pertinent information.
The resources available to the Office of the President of the General Assembly in personnel and other support shall be augmented from within existing resources, bearing in mind the provisions of paragraph 22 of the annex to resolution 55/285. Five additional posts shall be made available to supplement current support, of which three shall be filled on an annual basis, following consultations with the incoming President, beginning at the fifty-ninth session of the Assembly (para. 10).	Implemented as of the fifty-ninth session
Transitional office accommodation and other support shall be provided to the President-elect of the General Assembly. The Secretary-General is requested to make the necessary arrangements for the provision of such support, within existing resources, beginning with the President-elect of the fifty-ninth session of the Assembly (para. 11).	Beginning with the fifty-ninth session, transitional office space and other support have been provided to the President-elect.

Annex B: Improving the working methods of the General Assembly	Status of implementation
The work of the Main Committees of the General Assembly might benefit if it is scheduled over two substantive periods during the session. The rescheduling of the work of the Main Committees should not lead to additional costs, additional or longer meetings, or staggered work schedules of the Main Committees. With a view to enabling the Assembly to consider changes in this regard, with effect from the sixtieth session of the Assembly, the Secretary-General is requested to present, by 1 February 2004, various options for consideration by the General Committee, taking into account the requirements of the relevant intergovernmental bodies and the different locations of their meetings and the budget cycle (para. 2).	In response to this request, the Secretariat circulated a note entitled "Options for the rescheduling of the Main Committees of t General Assembly" (A/58/CRP.3), which t Assembly considered at its fifty-eighth ses
With a view to better conceptualization of the content of the agenda of the General Assembly, the Secretary-General is requested to submit to the Assembly, for its consideration by 1 March 2004, an illustrative agenda of the Assembly, based on all the agenda items of the fifty-eighth session, organized around the priorities of the Organization for the period 2002-2005 (para. 4).[a]	In response to this request, the Secretariat circulated a note entitled "Illustrative agen of the General Assembly" (A/58/CRP.4), v the Assembly considered at its fifty-eighth session (see also resolution 58/316, annex para. 2 (b)).

[a] For the priorities of the Organization for the period 2002-2005:
(a) Maintenance of international peace and security;
(b) Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences;
(c) Development of Africa;
(d) Promotion of human rights;
(e) Effective coordination of humanitarian assistance efforts;
(f) Promotion of justice and international law;
(g) Disarmament;
(h) Drug control, crime prevention and combating international terrorism in all its forms and manifestations, see paragraph 26 of the introduction to the medium-term plan for the period 2002-2005 (*Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 6* (A/55/6/Rev.1)) adopted in resolution 55/234.

The heavy volume of documentation that is submitted to the General Assembly for its consideration should be reduced. In this regard, the Secretary-General is requested to continue his efforts to make proposals to Member States for the consolidation of reports on related subjects in accordance with the provisions of paragraph 20 of resolution 57/300. The proposals on a shorter agenda should be accompanied by related proposals for a reduction in the volume of documentation (para. 7).	See resolution 58/316, annex, section F.
The Main Committees of the General Assembly are bound by the rules of procedure of the Assembly, although they have different practices and working methods. With a view to identifying best practices and working methods, and recognizing the ongoing efforts of the Main Committees to streamline their work, the Secretary-General, drawing on the experience of previous Chairmen of the Main Committees, is requested to submit a historical and analytical note on the practices and working methods of the Main Committees for the consideration of the General Committee by 1 April 2004 (para. 8).	In response to this request, the Secretariat circulated a note entitled "Historical and analytical note on the practices and working methods of the Main Committees" (A/58/CRP.5), which was considered by the General Committee in open-ended informal consultations (see resolution 58/316, annex, section C).

B. Resolution 58/316 of 1 July 2004

Annex, section A: reordering the work of the General Assembly	**Status of implementation**
With effect from the fifty-ninth session of the General Assembly, the meetings of the plenary Assembly shall normally be held on Mondays and Thursdays (para. 1 (b)).	As of the fifty-ninth session, plenary meetings of the Assembly are scheduled and held on Mondays and Thursdays to the extent possible.
Annex, section B: organization of the agenda of the General Assembly	**Status of implementation**
Pursuant to paragraph 4 of section B of the annex to resolution 58/126, the agenda of the General Assembly shall be organized under headings corresponding to the priorities of the Organization, as contained in the medium-term plan for the period 2002-2005[b] (or in the strategic framework, as appropriate), with an additional heading for "Organizational, administrative and other matters" for the purpose	As of the fifty-ninth session, the agenda of the General Assembly has been organized under headings corresponding to the priorities of the Organization, as contained in the medium-term plan for the period 2002-2005 and, subsequently, in accordance with the strategic framework for the period 2006-2007, with an additional heading I, entitled "Organizational, administrative and other matters".

[b] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 6* (A/55/6/Rev.1).

of giving a sense of structure to the work of the Assembly, achieving a better presentation of the issues and challenges with which the Assembly deals and making the work of the Assembly more accessible, with the understanding that the new arrangement will not prejudge the way in which the work of the Assembly is organized and carried out (para. 2 (a)).	
The headings of the agenda shall consequently be: (i) Maintenance of international peace and security; (ii) Promotion of sustained economic growth and sustainable development in accordance with the resolutions of the General Assembly and recent United Nations conferences; (iii) Development of Africa; (iv) Promotion of human rights; (v) Effective coordination of humanitarian assistance efforts; (vi) Promotion of justice and international law; (vii) Disarmament; (viii) Drug control, crime prevention and combating international terrorism in all its forms and manifestations; (ix) Organizational, administrative and other matters (para. 2 (b)).	See 2 (a) above.
Annex, section C: practices and working methods of the Main Committees	**Status of implementation**
Main Committees shall adopt a provisional programme of work at the end of the session for the next session to help them better to plan, prepare and organize and, in this context, review the related documentation requirements (para. 3 (b)).	Implemented as of the fifty-ninth session.[c]

[c] Information on the programme of work of the Fifth Committee is usually not available owing to the time frame of the Committee's work.

The websites of the Main Committees shall be enhanced and thereafter regularly updated and their content maintained by the secretariats of the Main Committees (para. 3 (c)).	The websites of the Main Committees continue to be enhanced and regularly updated by the respective secretariats.
Annex, section D: review of the agenda of the General Assembly	**Status of implementation**
Recalling section B, paragraph 5, of the annex to resolution 58/126, having reviewed the note by the Secretariat entitled "Analysis of the agenda of the General Assembly",[4] which provides factual information on the frequency of consideration, origin and history of action on the 333 items and sub-items on the agenda, taking into account the views expressed by Member States, and following consultations with concerned Member States, it is decided that:	The provisions of this paragraph are being implemented as of the fifty-ninth session and reflected in the agenda of each session
(a) The items entitled "Launching of global negotiations on international economic cooperation for development" and "Restructuring and revitalization of the United Nations in the economic, social and related fields" shall be eliminated from the agenda;	
(b) The items entitled "Question of Cyprus", "Armed aggression against the Democratic Republic of the Congo", "Question of the Falkland Islands (Malvinas)", "The situation of democracy and human rights in Haiti", "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security", Consequences of the Iraqi occupation of and aggression against Kuwait" and "Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986" shall remain on the agenda for consideration upon notification by a Member State;	

[4] A/58/CRP.6.

(c) The item entitled "Report of the Economic and Social Council" shall be considered in its entirety in plenary;

(d) While remaining on the agenda of the plenary, the sub-item entitled "Sport for peace and development: building a peaceful and better world through sport and the Olympic ideal" shall be considered every other year and the items entitled "Return or restitution of cultural property to the countries of origin" and "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion" shall be considered every three years;

(e) The item entitled "Information and communication technologies for development" and the sub-item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: special economic assistance to individual countries or regions" shall be allocated for annual consideration in the Second Committee;

(f) The item entitled "Towards global partnerships" shall be allocated for consideration every other year in the Second Committee;

(g) The sub-item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: participation of volunteers, 'White Helmets', in the activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development" shall be allocated for consideration every three years in the Second Committee;

(h) The item entitled "Global road safety crisis" shall be allocated for consideration every other year in the Third Committee;

(i) The item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" shall be allocated for annual consideration in the Special Political and Decolonization Committee (Fourth Committee);

(j) The item entitled "Assistance in mine action" shall be allocated for consideration every other year in the Special Political and Decolonization Committee (Fourth Committee);

(k) The item entitled "University for Peace" shall be allocated for consideration every three years in the Special Political and Decolonization Committee (Fourth Committee);

(l) Bearing in mind that the General Assembly decided in resolution 55/285 of 7 September 2001 to cluster all cooperation items under one item, to make individual cooperation items sub-items and to hold a joint debate for all sub-items, the Secretary-General shall submit a single consolidated report under the item entitled "Cooperation between the United Nations and regional and other organizations" (para. 4).

Annex, section E: General Committee

In July of each year, the General Committee shall conduct a review of the proposed programme of work for the forthcoming session of the General Assembly, on the basis of a report to be submitted by the Secretary-General, and submit recommendations on the matter to the forthcoming Assembly. The report of the Secretary-General shall include information on the status of documentation to be issued during the forthcoming session (para. 5 (d)).

Status of implementation

In response to this request the Secretary-General has submitted reports at the fifty-eighth, fifty-ninth and sixtieth sessions of the General Assembly, including the requested information on the status of documentation (see A/58/864, A/59/860 and A/60/971 and their respective addenda).

Annex, section F: documentation

In the light of its decision in section B, paragraph 7, of the annex to resolution 58/126 that the heavy volume of documentation that is submitted to the General Assembly for its consideration should be reduced, the Secretary-General is requested:

Status of implementation

To take the necessary action to initiate the implementation of the provisions of paragraph 20 of resolution 57/300 of 20 December 2002, in which the General Assembly requested the Secretary-General to start, on a trial basis, a consultative process with the President of the General Assembly and the Chairmen of the Main Committees of the Assembly at the end of the main part of each session of the Assembly, with a view to consolidating reports on related subjects, if decided by the Main Committees (para. 6 (c)).	See resolution 60/286, annex, para. 29.

C. Resolution 59/313 of 12 September 2005

President of the General Assembly	Status of implementation
(b) Augmenting the resources available to the Office of the President of the General Assembly from within existing resources, subject to consideration by the Assembly of the proposed programme budget for the biennium 2006-2007, to provide for two further additional posts at management and senior levels to be filled on an annual basis following consultations with the incoming President, beginning at the sixtieth session of the Assembly;	Implemented as of the sixtieth session
(c) Making available to the President of the General Assembly adequate office and conference space with a view to enabling the President to carry out his/her functions in a manner commensurate with the dignity and stature of the Office;	See resolution 58/126, annex A, para. 11.
(d) Requesting the Secretary-General to ensure that the President of the General Assembly is provided with proper protocol services at Headquarters and at other United Nations duty stations (para. 3).	Support by the Protocol Office to the Office of the President of the General Assembly has been further strengthened through closer coordination with the Office of the President on appointments and programmes of the President where protocol services are necessary, including also the social events hosted by the President.

Agenda and working methods of the plenary Assembly and the Main Committees	Status of implementation
Requests the Secretary-General to provide the ad hoc working group with the necessary services (para. 6)	Action completed.

Strongly urges all officers presiding over meetings of the General Assembly to start such meetings on time (para. 11)	Periodically, the Department for General Assembly and Conference Management provides presiding officers with statistics on the financial impact of the implementation of this provision.
Requests the Secretary-General to issue the rules of procedure of the General Assembly in a consolidated version in all official languages, in print and online (para. 14)	See resolution 60/286, annex, para. 24.
Recommends consideration of the use of optical scanners as a means of expediting the counting of votes cast through secret ballots during elections, taking due account of the security requirements in this regard and the credibility, reliability and confidentiality of such means, and requests the Secretary-General to report on the modalities thereof to the General Assembly through the Committee on Conferences (para. 15)	See resolution 60/286, annex, para. 28.
Documentation	**Status of implementation**
Requests the Secretary-General to implement further the measures set out in paragraph 20 of resolution 57/300 of 20 December 2002 on the consolidation of reports and in paragraph 6 of the annex to resolution 58/316 on documentation (para. 16)	See resolution 60/286, annex, para. 29.
Requests the Secretary-General to ensure that documentation and reports are issued well in advance, in keeping with the six-week rule for the issuance of documentation simultaneously in all official languages, as set out in resolution 49/221 B of 23 December 1994 and in resolution 59/309 of 22 June 2005 on multilingualism (para. 18)	In response to this request, the Department for General Assembly and Conference Management has entered into a compact with the Secretary-General which provides for zero tolerance of late submission of documents.
Also requests the Secretary-General to submit a status report to the General Assembly at its sixtieth session on the implementation of all resolutions regarding the revitalization of its work, including resolutions 58/126 of 19 December 2003 and 58/316 and the present resolution (para. 19)	This report has been submitted at the sixty-first session pursuant also to resolution 60/286, annex, para. 30.

D. Resolution 60/286 of 8 September 2006

Cluster I. Role and authority of the General Assembly	Status of implementation
Requests the Secretary-General to continue to make the necessary arrangements for the provision of transitional office accommodation and other support to the President-elect of the General Assembly, in accordance with resolution 58/126 (para. 11)	See resolution 59/313, President of the General Assembly, para. 3 (c).
Requests the Department of Public Information, in cooperation with countries concerned and with the relevant organizations and bodies of the United Nations system, to continue to take appropriate measures to enhance world public awareness of the work of the General Assembly (para. 14)	The Department of Public Information continues to implement its communications strategy to publicize the work and decisions of the General Assembly approved by the Assembly in its resolutions 59/126 B and 60/109 B.
Urges the Secretariat to continue its endeavours to raise the visibility of the General Assembly and, to that end, requests the rearrangement of items in the *Journal of the United Nations* so that listings of plenary meetings and other major events of the General Assembly may appear alongside those of the meetings of the Security Council (para. 15)	This provision will be implemented during the sixty-first session.
Encourages the Presidents of the General Assembly to increase their public visibility, including through enhanced contacts with representatives of the media and civil society, thus promoting the activities of the General Assembly, and encourages the Secretary-General to continue the practice of providing to the Office of the President of the General Assembly a Spokesperson for the President of the Assembly and an assistant to the Spokesperson (para. 16)	Implementation is continuous.
Cluster III. Working methods	**Status of implementation**
Requests the Secretary-General to issue the rules of procedure of the General Assembly in a consolidated version in all official languages, in print and online, and requests the Office of Legal Affairs to make precedents and past practice available in the public domain with respect to rules and practices of the intergovernmental bodies of the Organization (para. 24)	This provision will be implemented during the sixty-first session.

Requests an update on its recommendation, in paragraph 15 of its resolution 59/313, regarding consideration of the use of optical scanners as a means of expediting the counting of votes cast through secret ballots during elections, taking due account of the security requirements in this regard and the credibility, reliability and confidentiality of such means, and requests the Secretary-General to report on the modalities thereof to the General Assembly (para. 28)	Various options are being explored by the Secretariat and will be discussed further during the sixty-first session.
Requests the Secretary-General to implement further the measures set out in paragraph 20 of resolution 57/300 of 20 December 2002 on the consolidation of reports and in paragraph 6 of the annex to resolution 58/316 on documentation (para. 29)	Since the adoption of this resolution, a number of reports, where appropriate, have been consolidated.
Recalls paragraph 19 of its resolution 59/313 and requests the Secretary-General to submit a status report with a factual chart to the General Assembly at its sixty-first session on the implementation of all resolutions regarding the revitalization of its work, including resolutions 58/126, 58/316 and 59/313, and the present resolution (para. 39)	Implemented by the present report. An addendum will be issued, as necessary.

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Programme budget for the biennium 2006-2007

United Nations common system

Administrative and financial implications of the decisions and recommendations contained in the reports of the International Civil Service Commission for 2005 and 2006

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the statement submitted by the Secretary-General (A/61/381) on administrative and financial implications of the decisions and recommendations contained in the reports of the International Civil Service Commission for 2005 and 2006.

2. Consistent with past practice, the Committee has confined its consideration of the financial implications of recommendations contained in the report of the Commission to those submitted to the General Assembly by the Secretary-General in his statement. The Committee has not commented on the recommendations themselves or on their underlying methodology.

3. As indicated in paragraph 1 of the statement of the Secretary-General, the reports of the Commission for 2005[1] and 2006[2] contain specific decisions and recommendations involving financial implications for the United Nations programme budget for the biennium 2006-2007 related to:

(a) Conditions of service of staff in the Professional and higher categories:

(i) Base/floor salary scale and staff assessment scale;

(ii) Post adjustment matters;

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 30 and Corrigendum* (A/60/30 and Corr.1).

[2] Ibid., *Sixty-first Session, Supplement No. 30* (A/61/30).

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(b) Conditions of service applicable to both categories of staff:

(i) Education grant: review of the level;

(ii) Hazard pay;

(c) Conditions of service of staff in the General Service and related categories: survey of best prevailing conditions of employment at New York.

4. The reports of the Commission for 2005 and 2006 also contain decisions and recommendations involving financial implications for the United Nations system organizations that would, however, have no financial implications for the United Nations programme budget.

5. As indicated in paragraph 3 of the statement of the Secretary-General, the comparator (the United States federal civil service in Washington, D.C.) reference salary (GS-13 GS-14 salary level) was 4.57 per cent higher than the net salary of a P-4 V1 in the current United Nations base/floor scale. In accordance with the approved procedures and past practices, this would call for an upward adjustment of 4.57 per cent in the common system salary scale for staff in the Professional and higher categories, with effect from 1 January 2007. The Committee notes that this consolidated recommendation of 4.57 per cent includes the proposed increase recommended in the report of the Commission for 2005.[1] The increase of 4.57 per cent in the base/floor salary scale would be implemented through the standard method of consolidating post adjustment multiplier points on a no-loss/no-gain basis as of the date of implementation. The annex below, provided to the Committee upon request, illustrates the consolidation of 4.57 per cent of posts adjustment into net base salary.

6. The Committee notes that the increase in the base/floor salary scale would give rise to increased requirements for separation payments with the consequential financial implications for the United Nations programme budget estimated at $355,600 for the year 2007.

7. The Committee notes from paragraph 6 of the statement of the Secretary-General that comprehensive place-to-place surveys were conducted in 2005 in Geneva, London, Madrid, Montreal, Paris, Rome, Vienna and Washington, D.C.; in addition, a price collection exercise, which is the basis of the post adjustment system, was carried out in New York. As stated in paragraph 8 of the statement, the Commission, having examined the proposals of the Advisory Committee on Post Adjustment Questions, decided to approve the results of the 2005 place-to-place surveys and to take them into account in determining the respective post adjustment classifications, with effect from 1 April 2006. The financial implications of this recommendation of the Commission for the United Nations programme budget are estimated at $3,096,000 for the biennium 2006-2007.

8. The Committee notes from paragraph 12 of the statement that the annual financial implications of the recommendation of the Commission, concerning the education grant, are estimated at $830,500 for the United Nations programme budget for the biennium 2006-2007.

9. As indicated in paragraph 13 of the statement of the Secretary-General, on the basis of its 2005 review of the level of hazard pay for international and locally recruited staff, the Commission had decided to increase the level of hazard pay granted to internationally recruited staff from $1,000 to $1,300 per month, effective

1 January 2006. The Committee notes from paragraph 15 of the statement of the Secretary-General that the financial implications of the decision on hazard pay are estimated at $3,322,800 for the United Nations programme budget for the biennium 2006-2007, assuming that the revised level would become effective 1 January 2007. The Committee observes that, in estimating the implications of the proposed increase in the level of hazard pay granted to international staff, the Secretariat utilized the most recent available statistics on the number of such staff deployed in the field for special political missions. To date, about 923 posts for internationally recruited staff have been utilized in special political missions at duty stations classified as hazard duty stations. The Committee, upon request, was provided with a breakdown of those 923 posts by duty stations, as follows:

United Nations Assistance Mission in Afghanistan (Afghanistan)	277
United Nations Peacebuilding Support Office in the Central African Republic (Central African Republic)	31
United Nations Political Office for Somalia (Somalia)	24
International Independent Investigation Commission (Lebanon)	175
Office of the Personal Representative of the Secretary- General for Lebanon	10
United Nations Assistance Mission for Iraq (Iraq)	406
Total	**923**

10. With regard to the conditions of service of staff in the General Service and related categories, the Committee notes that in November 2005, the Commission conducted surveys of the best prevailing conditions of employment for staff in the General Service and related categories in New York. No separate surveys were conducted in respect of the language teacher and public information assistant categories; instead, the percentage resulting from the General Service survey was applied to adjust the salary scales of those two categories. Moreover, the Commission also decided to discontinue, for future rounds, separate surveys of the Security Service and the Trades and Crafts categories and to apply to them the same salary adjustment procedure as the one applicable to staff in the General Service staff, language teachers and public information assistants. As noted in paragraph 23 of the statement of the Secretary-General, the financial implication of the recommendations of the Commission concerning the conditions of service of staff in the General Service and related categories has been estimated at $1,957,200 for the United Nations programme budget for the biennium 2006-2007.

11. As indicated in paragraph 24 of the statement, the related additional requirements under the programme budget for the biennium 2006-2007 resulting from the recommendations and decisions of the Commission are estimated at $9,562,100, net of staff assessment. The Secretary-General intends to reflect these additional requirements in the first performance report for the biennium 2006-2007. The Committee has no objection to the approach of the Secretary-General.

Annex

Consolidation of 4.57 per cent of post adjustment into net base salary

Illustration:

1. Before consolidation — 1 January 2007

Net base salary (NBS) at P4/VI (dep.)	=	$70,406 (A/59/30 (Vol. I), annex VI)		
Post adjustment multiplier is 10				
∴ Net base salary + Post adjustment	=	$70,406 x 1.10	=	$77,446.60 p.a

2. After consolidation of 4.57 per cent on 1 January 2007

Net base salary at P4/VI (dep.)	=	$70,406 x 1.0457	=	$73,624 (A/61/30, annex IV
Post adjustment multiplier	=	1.10/1.0457	=	1.0519 or multiplier 5.2
∴ Net base salary + Post adjustment	=	$73,624 x 1.052	=	$77,452.45 p.a

Remarks: Note difference of -$5.85, (i.e. 77,446.60 - 77,452.45) is due to rounding